

STATE PUBLIC CHARTER SCHOOL AUTHORITY

SUPPORTING DOCUMENT

1. **S U B J E C T:** Consideration regarding Senate Bills 460 and 509 and Assembly Bill 395 (Patrick Gavin, Director, SPCSA)

(Information/Discussion/Action)

- [SB460](#) Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)
- [SB509](#) Makes various changes to provisions governing charter schools. (BDR 34-1090)
- [AB395](#) Revises provisions relating to the State Public Charter School Authority. (BDR 34-902)

 / / Public Workshop

 / / Public Hearing

 / / Consent Agenda

 / / Regulation Adoption

 / / Approval

 / / Appointments

 / x/ Information

 /x / Action

MEETING DATE: April 6, 2015

AGENDA ITEM: 2

NUMBER OF ENCLOSURE(S): 1

PRESENTER(S): Patrick Gavin, Director, SPCSA

FISCAL IMPACT:

BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):

LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 30 mins

SUBMITTED BY: _____

SENATE BILL NO. 460—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; revising provisions relating to the revocation or termination of written charters or charter contracts; prohibiting the Department of Education from considering a school’s annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The federal No Child Left Behind Act of 2001 requires each state to have a
2 single, statewide system of accountability applicable to all pupils. (20 U.S.C. §§
3 6301 et seq.) In 2011, the United States Department of Education made it possible
4 for states to apply to the Department for a waiver of some of the provisions of the
5 Act. In August 2012, the Nevada Department of Education received approval from
6 the United States Department of Education to implement an accountability system
7 for public schools that allows for a waiver from some of the specific provisions of
8 the Act. This approval is conditioned on the Nevada Department of Education
9 tracking the performance of pupils in public schools, including measuring,
10 reporting and supporting the achievement of pupils. Since the approval of the
11 waiver, the Nevada Department of Education has developed the Nevada School
12 Performance Framework for the statewide system of accountability for public
13 schools. (NRS 385.347)

14 Existing law requires the statewide system of accountability to: (1) include a
15 method to rate each public school; (2) include a method to implement
16 consequences, rewards and supports for public schools based upon the ratings; and



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17 (3) establish annual measurable objectives and performance targets for public
18 schools. (NRS 385.3594) **Section 2** of this bill requires the State Board of
19 Education to adopt regulations that prescribe: (1) an alternative performance
20 framework to evaluate certain schools which serve certain populations; and (2) the
21 manner in which such schools will be included in the statewide system of
22 accountability.

23 **Section 3** of this bill requires a public school, including, without limitation, a
24 charter school, that wishes to be rated using the alternative performance framework
25 prescribed by the State Board to request the board of trustees of the school district
26 or sponsor of the charter school, as applicable, to apply to the State Board on behalf
27 of the school for approval to be rated using the alternative performance framework.
28 If approved, **section 3** provides that the board of trustees of the school district or
29 the sponsor of a charter school, as applicable, must apply to the State Board on
30 behalf of the school to be rated using the alternative performance framework.
31 **Section 3** also prescribes eligibility requirements for a school to be rated using the
32 alternative performance framework.

33 Existing law requires the sponsor of a charter school to revoke the written
34 charter or terminate the charter contract of a charter school if the charter school
35 receives three consecutive annual ratings established as the lowest rating possible
36 indicating underperformance of a public school, as determined by the Department
37 of Education pursuant to the statewide system of accountability for public schools.
38 (NRS 386.5351) **Section 4** of this bill instead requires the sponsor of a charter
39 school to revoke the written charter or terminate or not renew the charter contract
40 of a charter school if the charter school receives an annual rating established as the
41 lowest possible rating indicating underperformance for any 3 years of the 6-year
42 term of a charter contract unless the sponsor of a charter school determines to take
43 other action. **Section 4** authorizes the sponsor of a charter school to determine not
44 to revoke the written charter or terminate the charter contract of a charter school if
45 the charter school has demonstrated continued improvement in meeting annual
46 performance goals. If the sponsor of a charter school makes such a determination,
47 **section 4** authorizes the sponsor to take certain actions. **Section 4** also: (1)
48 authorizes a charter school that receives an annual rating established as the lowest
49 rating possible indicating the underperformance of a public school to request
50 assistance from the sponsor of the charter school in improving performance
51 reported in the annual rating; and (2) requires the sponsor of a charter school to
52 provide assistance to improve performance at the school upon receipt of such a
53 request.

54 **Section 5** of this bill prohibits the Department from considering a school's
55 annual rating pursuant to the statewide system of accountability based upon the
56 performance of a school for the 2014-2015 school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *The State Board shall adopt regulations that***
4 ***prescribe an alternative performance framework to evaluate***
5 ***public schools that are approved pursuant to section 3 of this act.***
6 ***Such regulations must include, without limitation, an alternative***
7 ***manner in which to evaluate such a school and the manner in***



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1 *which the school will be included within the statewide system of*
2 *accountability set forth in NRS 385.3455 to 385.3891, inclusive.*

3 2. *The regulations adopted pursuant to subsection 1 must*
4 *also set forth the manner in which:*

5 (a) *The progress of pupils enrolled in a public school for*
6 *which an alternative performance framework has been approved*
7 *pursuant to section 3 of this act will be accounted for within the*
8 *statewide system of accountability; and*

9 (b) *To report the results of pupils enrolled in such a public*
10 *school on the examinations administered pursuant to NRS*
11 *389.550 and, if applicable for the grade levels of the pupils*
12 *enrolled, the examinations administered pursuant to NRS 389.805*
13 *and the college and career readiness assessment administered*
14 *pursuant to NRS 389.807.*

15 **Sec. 3.** 1. *A public school, including, without limitation, a*
16 *charter school, that wishes to be rated using the alternative*
17 *performance framework prescribed by the State Board pursuant to*
18 *section 2 of this act must request the board of trustees of the*
19 *school district or sponsor of the charter school, as applicable, to*
20 *apply to the State Board on behalf of the school for approval to be*
21 *rated using the alternative performance framework.*

22 2. *The board of trustees of a school district or the sponsor of*
23 *a charter school, as applicable, may apply to the State Board on*
24 *behalf of a school for the school to be rated using the alternative*
25 *performance framework by submitting a form prescribed by the*
26 *Department.*

27 3. *A school is eligible to be rated using the alternative*
28 *performance framework if at least 75 percent of the pupils*
29 *enrolled at the school:*

30 (a) *Have been expelled or suspended from a public school,*
31 *including, without limitation a charter school;*

32 (b) *Have been deemed to be a habitual disciplinary problem*
33 *pursuant to NRS 392.4655;*

34 (c) *Have a record of behavioral issues;*

35 (d) *Are academically disadvantaged;*

36 (e) *Have been adjudicated delinquent; or*

37 (f) *Have been adjudicated to be in need of supervision for a*
38 *reason set forth in NRS 62B.320.*

39 4. *A public school that does not meet the requirements of*
40 *subsection 3 may seek to be rated using the alternative*
41 *performance framework by demonstrating a legitimate reason to*
42 *support using the alternative performance framework which may*
43 *be granted in the discretion of the Department.*

44 5. *As used in this section, "academically disadvantaged"*
45 *includes, without limitation, being retained in the same grade level*



1 *two or more times or having a deficiency in the credits required to*
2 *graduate on time.*

3 **Sec. 4.** NRS 386.5351 is hereby amended to read as follows:

4 386.5351 1. ~~[The]~~ *Except as otherwise provided in*
5 *subsection 2, the* sponsor of a charter school shall revoke the
6 written charter or terminate *or not renew* the charter contract of the
7 charter school if the charter school receives ~~[three consecutive]~~ *an*
8 annual ~~[ratings]~~ *rating* established as the lowest rating possible
9 indicating underperformance of a public school, as determined by
10 the Department pursuant to the statewide system of accountability
11 for public schools ~~[.]~~, *for any 3 years of the 6-year term of a*
12 *charter contract.* A charter school's annual rating pursuant to the
13 statewide system of accountability based upon the performance of
14 the charter school for any school year before the ~~[2013-2014]~~ *2014-*
15 *2015* school year must not be included in the count of consecutive
16 annual ratings for the purposes of this subsection.

17 2. *Following a public hearing, the sponsor of a charter*
18 *school may determine not to take any of the actions in subsection*
19 *I if the charter school has demonstrated continued improvement*
20 *in meeting the annual performance goals established pursuant to*
21 *NRS 386.528. If the sponsor makes such a determination, the*
22 *sponsor may take any of the following actions:*

23 (a) *Extend the period for determining the performance of the*
24 *charter school;*

25 (b) *Establish or continue, as applicable, a plan to improve*
26 *pupil achievement and school performance which includes*
27 *reviewing and revising the existing governing structure of the*
28 *school as necessary to carry out the plan; or*

29 (c) *Make any changes to the charter contract as needed to*
30 *ensure measurable performance.*

31 3. *If a charter school receives an annual rating established as*
32 *the lowest rating possible indicating underperformance of a public*
33 *school, as determined by the Department pursuant to the statewide*
34 *system of accountability for public schools, the charter school may*
35 *request assistance from the sponsor of the charter school. Upon*
36 *receipt of such a request, the sponsor of the charter school shall*
37 *take actions to provide assistance to the charter school to improve*
38 *performance at the school.*

39 4. If a written charter is revoked or a charter contract is
40 terminated pursuant to subsection 1, the sponsor of the charter
41 school shall submit a written report to the Department and the
42 governing body of the charter school setting forth the reasons for the
43 termination not later than 10 days after revoking the written charter
44 or terminating the charter contract.



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1 ~~3-~~ 5. The provisions of NRS 386.535 do not apply to the
2 revocation of a written charter or termination of a charter contract
3 pursuant to this section.

4 **Sec. 5.** The Department shall not consider a school's annual
5 rating pursuant to the statewide system of accountability based upon
6 the performance of a school for the 2014-2015 school year. The
7 Department may consider a school's annual rating pursuant to the
8 statewide system of accountability based on the performance of a
9 school for any school year before the 2014-2015 school year and
10 any school year after the 2014-2015 school year.

11 **Sec. 6.** This act becomes effective on July 1, 2015.



SENATE BILL NO. 509—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Makes various changes to provisions governing charter schools. (BDR 34-1090)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter schools; revising provisions governing applications to form a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in such circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes the State Public Charter School Authority, requires the
- 2 Authority to appoint a Director and authorizes the Authority to sponsor charter
- 3 schools. (NRS 386.490-386.515) **Sections 10, 12-14 and 18** of this bill change the
- 4 title of the Director of the Authority to “Executive Director,” and **section 13**
- 5 authorizes the Executive Director to pursue other businesses and hold other offices



6 with the approval of the Authority. **Section 11** of this bill requires the Authority to
7 consist of persons who are experts on authorizing, developing and operating charter
8 schools. **Sections 15 and 16** of this bill revise provisions governing the staff of the
9 Authority. **Sections 32 and 33** of this bill require the Authority to adopt regulations
10 that prescribe: (1) the process to apply to the Authority to form a charter school,
11 renew a charter contract or amend a written charter or charter contract; (2) the
12 contents of such applications; and (3) the procedure by which such applications will
13 be evaluated. **Sections 35, 45 and 46** of this bill revise certain other duties of the
14 Authority.

15 In addition to the Authority, existing law also authorizes the board of trustees
16 of a school district or a college or university within the Nevada System of Higher
17 Education to sponsor a charter school with the approval of the Department of
18 Education. (NRS 386.515) **Sections 17, 19 and 20** of this bill provide for a board
19 of trustees of a school district or college or university within the System that
20 sponsors a charter school to enter into certain agreements with the Authority.
21 **Sections 19 and 20** also revise the duties of the sponsor of a charter school,
22 including the requirements of the policies and practices that a sponsor is required to
23 adopt.

24 Existing law requires an application to form a charter school to be submitted by
25 a committee to form a charter school. (NRS 386.520, 386.525) **Sections 21 and 22**
26 of this bill authorize a charter management organization to apply to form a charter
27 school. **Section 2** of this bill defines the term "charter management organization" to
28 mean a nonprofit organization that operates multiple charter schools. **Section 21**
29 also revises the required contents of an application to form a charter school.
30 **Section 22** revises the manner in which a sponsor is authorized to solicit and
31 review applications to form a charter school.

32 Existing law authorizes the sponsor of a charter school to amend a written
33 charter or charter contract upon the request of the governing body of a charter
34 school. (NRS 386.527) **Sections 4 and 53** of this bill require the sponsor of a
35 charter school to hold a public hearing concerning requests to amend a written
36 charter or charter contract to: (1) expand the grade levels served by the charter
37 school; (2) significantly increase or decrease enrollment; (3) acquire additional
38 facilities to expand the enrollment of the charter school; or (4) consolidate the
39 operations of multiple charter schools. Such an amendment may not be made unless
40 approved by the governing board of the sponsor. **Sections 5 and 54** of this bill
41 prescribe the circumstances under which the operations of multiple charter schools
42 can be consolidated.

43 For any charter school approved before June 11, 2013, existing law requires the
44 sponsor of the charter school to grant a written charter to the governing body. For
45 any charter school approved on or after that date, existing law requires the sponsor
46 to enter into a charter contract with the governing body. Because all written
47 charters and charter contracts must be for terms of 6 years, all written charters will
48 expire by June 11, 2019. (NRS 386.527) **Sections 23 and 24** of this bill authorize a
49 sponsor to require, as a condition of granting a request for an amendment, the
50 replacement of a written charter with a charter contract for the period during which
51 written charters may still be effective.

52 Existing law requires each charter contract to include a performance framework
53 for the charter school. (NRS 386.528) **Section 25** of this bill: (1) requires each
54 sponsor to adopt a performance framework and incorporate it in the charter
55 contract; and (2) allows a sponsor to aggregate and disaggregate data for reporting
56 and accountability purposes. **Section 26** of this bill revises the contents of an
57 annual report submitted by a sponsor to a governing body.

58 Existing law authorizes a sponsor to revoke a written charter or terminate a
59 charter contract under certain conditions and requires a sponsor to take such action
60 if the charter school demonstrates persistent underachievement. (NRS 386.535,



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61 386.5351) **Sections 5 and 27-29** of this bill: (1) authorize a sponsor to reconstitute
62 the governing body of a charter school in such situations; and (2) revise the
63 conditions under which such action is authorized or required. **Sections 6, 30 and 31**
64 of this bill authorize the sponsor of a charter school whose written charter has been
65 revoked or whose charter contract has been terminated to recruit a governing body
66 of another charter school to replace the closed charter school with another campus
67 of the other charter school. **Sections 6 and 55** of this bill require a pupil who
68 attended a charter school whose written charter has been revoked or whose charter
69 contract has been terminated to be given priority in admission to the replacement
70 charter school under such circumstances. **Sections 6 and 56** provide that: (1) if the
71 governing body of a charter school is reconstituted, the new governing body may
72 terminate the employment of any employees of the charter school; and (2) if a
73 written charter is revoked or a charter contract is terminated and a charter school is
74 replaced, the governing body of the replacement charter school is not required to
75 employ any employee of the previous charter school. **Sections 52 and 53** of this
76 bill exclude the rights of a governing body to terminate the employment of or
77 refuse to reemploy employees at such schools from the scope of collective
78 bargaining.

79 **Sections 34 and 39** of this bill revise requirements concerning services,
80 including transportation, provided by the board of trustees of a school district to
81 pupils at a charter school.

82 Existing law: (1) prohibits a person who has been convicted of a felony relating
83 to serving on the governing body of a charter school or any offense involving moral
84 turpitude from serving on the governing body of a charter school; and (2) requires a
85 member of a governing body to read and understand certain materials. (NRS
86 386.549) **Section 8** of this bill requires a newly appointed member of a governing
87 body to undergo a criminal background check. **Sections 36 and 37** of this bill
88 require a member of a governing body to receive training under certain
89 circumstances.

90 **Sections 40 and 41** of this bill prohibit a contract between a governing body
91 and a person who assists with the operation, management and provision of
92 educational services at a charter school from containing certain provisions. **Section**
93 **45** of this bill authorizes a charter school to use higher standards for graduation
94 than those required by the State or a school district in which the charter school is
95 located. **Section 46** of this bill requires a charter school to notify the parent of a
96 pupil who is under the age of 18 years before the pupil is suspended or expelled.
97 **Section 47** of this bill requires every teacher at a charter school, except for a
98 vocational charter school, to possess certain qualifications, and **section 51** of this
99 bill makes a conforming change. **Section 48** of this bill requires the Commission on
100 Educational Technology to consider plans adopted by charter schools for the use of
101 educational technology when establishing the plan for the use of educational
102 technology in the public schools of this State. **Sections 49 and 50** of this bill
103 authorize a charter school to receive money from the Trust Fund for Educational
104 Technology.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *“Charter management organization” means a*
5 *nonprofit organization that holds a written charter, charter*
6 *contract or other equivalent agreement to operate more than one*
7 *charter school in this State or another state.*

8 **Sec. 3.** *“Educational management organization” means a*
9 *for-profit corporation, business, organization or other entity that*
10 *provides services relating to the operation and management of*
11 *charter schools and achievement charter schools.*

12 **Sec. 4. 1.** *The State Public Charter School Authority, the*
13 *board of trustees of the school district or a college or university*
14 *within the Nevada System of Higher Education, as applicable,*
15 *which sponsors a charter school must hold a public hearing*
16 *concerning any request to amend a written charter or a charter*
17 *contract of the charter school it sponsors for the purpose of:*

18 (a) *Expanding the charter school to offer instruction in grade*
19 *levels for which the charter school does not already offer*
20 *instruction.*

21 (b) *Increasing the total enrollment of a charter school or the*
22 *enrollment of pupils in a particular grade level in the charter*
23 *school for a school year to more than 120 percent of the*
24 *enrollment prescribed in the written charter or charter contract*
25 *for that school year.*

26 (c) *Reducing the total enrollment of a charter school or the*
27 *enrollment of pupils in a particular grade level in the charter*
28 *school for a school year to less than 80 percent of the enrollment*
29 *prescribed in the written charter or charter contract for that*
30 *school year.*

31 (d) *Acquiring an additional facility in any county of this State*
32 *to expand the enrollment of the charter school.*

33 (e) *Consolidating the operations of multiple charter schools*
34 *pursuant to section 5 of this act.*

35 (f) *Any other type of amendment for which a public hearing is*
36 *required by regulation of the State Board.*

37 **2.** *A written charter or charter contract may not be amended*
38 *in any manner described in subsection 1 unless the amendment is*
39 *approved by the State Public Charter School Authority, the board*
40 *of trustees of the school district or a college or university within*
41 *the Nevada System of Higher Education, as applicable.*



1 3. *The State Public Charter School Authority, the board of*
2 *trustees of the school district or a college or university within the*
3 *Nevada System of Higher Education, as applicable, must deny a*
4 *request to amend a written charter or charter contract in the*
5 *manner described in paragraphs (d) or (e) of subsection 1 if the*
6 *State Public Charter School Authority, the board of trustees or a*
7 *college or university within the Nevada System of Higher*
8 *Education, as applicable, determines that:*

9 (a) *The charter school is not meeting the requirements of the*
10 *performance framework concerning academics, finances or*
11 *operation established pursuant to NRS 386.528; or*

12 (b) *The governing body does not have a comprehensive and*
13 *feasible plan to operate additional facilities.*

14 **Sec. 5.** *The sponsor of a charter school may approve an*
15 *amendment to a written charter or a charter contract to*
16 *consolidate the operations of two or more charter schools if:*

17 1. *The sponsor of a charter school for which a written charter*
18 *has been revoked or a charter contract has been terminated has*
19 *approved a request by the governing body of the charter school*
20 *requesting the amendment to negotiate with the owner, mortgagor*
21 *or lienholder of the facilities in which the charter school has been*
22 *operated for the purpose of operating an additional campus of the*
23 *other charter school pursuant to section 6 of this act. If charter*
24 *schools are consolidated under such conditions, the academic,*
25 *operational and fiscal performance of the charter school whose*
26 *written charter has been revoked or whose charter contract has*
27 *been terminated will not be attributed to the consolidated charter*
28 *school.*

29 2. *Two or more governing bodies submit a request for an*
30 *amendment to consolidate their charter contracts, governing*
31 *bodies and operations to form a single charter school operating*
32 *one or more campuses under a new charter contract. If charter*
33 *schools are consolidated under such conditions:*

34 (a) *The new charter contract will be in effect for the duration*
35 *of the term of the written charter or charter contract which was*
36 *closest to its date of expiration before consolidation; and*

37 (b) *The academic, operational and fiscal performances of all*
38 *charter schools that have been consolidated will be attributed to*
39 *the consolidated charter school.*

40 **Sec. 6.** 1. *If the sponsor of a charter school reconstitutes*
41 *the governing body of a charter school pursuant to NRS 386.535*
42 *or 386.5351, the sponsor must appoint new members to the*
43 *governing body who meet the qualifications for membership set*
44 *forth in NRS 386.549. The sponsor may reappoint any member of*



1 *the previous governing body. Before appointing new members to*
2 *the governing body, the sponsor must consider:*

3 (a) *Input from members of the community in which the*
4 *charter school is located and parents of pupils who attend the*
5 *charter school.*

6 (b) *Any relevant credentials, experience or other qualifications*
7 *of a potential member, including, without limitation, whether the*
8 *potential member resides in the geographic area served by the*
9 *charter school or has experience in education.*

10 2. *If the sponsor of a charter school revokes a written charter*
11 *or terminates a charter contract pursuant to 386.535 or 386.5351,*
12 *the sponsor may:*

13 (a) *Petition the district court to appoint a receiver, to be paid*
14 *from the funds of the charter school, to oversee and manage the*
15 *charter school until other arrangements are made for pupils who*
16 *attend the school.*

17 (b) *Issue a request for proposals inviting the governing body of*
18 *another charter school to negotiate with the owner, mortgagor or*
19 *lienholder of the facilities in which the charter school operated for*
20 *the purpose of operating an additional campus of the other charter*
21 *school under the sponsorship of either the sponsor of the charter*
22 *school for which the written charter has been revoked or the*
23 *charter contract has been terminated or the sponsor of the charter*
24 *school that intends to operate an additional campus. If the*
25 *governing body proposes to operate an additional campus of the*
26 *other charter school under the sponsorship of:*

27 (1) *The sponsor of the charter school for which the written*
28 *charter has been revoked or the charter contract has been*
29 *terminated and the sponsor is not the sponsor of the charter*
30 *school currently operated by the governing body, the governing*
31 *body must, before the additional campus begins operating, also*
32 *submit to the sponsor of the charter school for which the written*
33 *charter has been revoked or the charter contract has been*
34 *terminated and receive approval for an application to form a*
35 *charter school pursuant to NRS 386.520.*

36 (2) *The sponsor of the charter school currently operated by*
37 *the governing body, the governing body must, before the*
38 *additional campus begins operating, also submit a request for and*
39 *receive approval of an amendment to its written charter or charter*
40 *contract to consolidate charter schools pursuant to NRS 386.527*
41 *and sections 4 and 5 of this act.*

42 3. *Before selecting a governing body to operate another*
43 *campus of an existing charter school to replace a charter school*
44 *whose written charter has been revoked or whose charter contract*



1 *has been terminated pursuant to subsection 2, the sponsor must*
2 *consider:*

3 *(a) The performance record of the charter school in this State*
4 *and other states;*

5 *(b) The plan of the governing body for improving pupil*
6 *achievement and school performance;*

7 *(c) The suitability of the proposed academic program for*
8 *pupils who were enrolled in the charter school before the*
9 *revocation of the written charter or the termination of the charter*
10 *contract; and*

11 *(d) Input from members of the community in which the*
12 *charter school is located and parents who were enrolled in the*
13 *charter school before the revocation of the written charter or*
14 *the termination of the charter contract, including, without*
15 *limitation, the input described in subsection 4.*

16 *4. A sponsor that solicits proposals to operate an additional*
17 *campus of an existing charter school shall allow parents of pupils*
18 *who were enrolled in the charter school before the revocation of*
19 *the written charter or the termination of the charter contract to*
20 *interview governing bodies who submit proposals and, if three or*
21 *more proposals are submitted pursuant to paragraph (b) of*
22 *subsection 2, cast an advisory vote for the governing body they*
23 *would prefer be given the opportunity to operate the campus.*

24 *5. If a governing body is selected pursuant to this section to*
25 *operate another campus of an existing charter school to replace a*
26 *charter school whose written charter has been revoked or whose*
27 *charter contract has been terminated and any necessary*
28 *amendments or applications are approved, the charter school must*
29 *enroll pupils who were enrolled in the charter school whose*
30 *written charter was revoked or whose charter contract was*
31 *terminated before enrolling other pupils.*

32 *6. If the sponsor of a charter school reconstitutes the*
33 *governing body of a charter school, the new governing body may*
34 *terminate the employment of any teachers or other employees of*
35 *the charter school.*

36 *7. If the sponsor of a charter school selects a governing body*
37 *to operate another campus of an existing charter school to replace*
38 *a charter school whose written charter has been revoked or whose*
39 *charter contract has been terminated, the new governing body is*
40 *not required to offer employment to any teacher or other employee*
41 *of the charter school whose written charter has been revoked or*
42 *whose charter contract has been terminated.*

43 **Sec. 7. 1.** *Within 10 days after being appointed to the*
44 *governing body of a charter school, each member of a governing*
45 *body, except a licensed teacher or other person licensed by the*



1 *Superintendent of Public Instruction, must, as a condition to*
2 *membership, submit to the governing body a complete set of the*
3 *member's fingerprints and written permission authorizing the*
4 *governing body to forward the fingerprints to the Central*
5 *Repository for Nevada Records of Criminal History for its report*
6 *on the criminal history of the applicant and for submission to the*
7 *Federal Bureau of Investigation for its report on the criminal*
8 *history of the member.*

9 2. *If the reports on the criminal history of the member*
10 *indicate that the member has not been convicted of a felony or an*
11 *offense involving moral turpitude, the member may continue to*
12 *serve on the governing body.*

13 3. *If a report on the criminal history of a member indicates*
14 *that the member has been convicted of a felony or an offense*
15 *involving moral turpitude and the governing body of the charter*
16 *school does not disqualify the member from membership on the*
17 *basis of that report, the governing body shall, upon the written*
18 *authorization of the member, forward a copy of the report to the*
19 *sponsor of the charter school. If the member refuses to provide his*
20 *or her written authorization to forward a copy of the report*
21 *pursuant to this subsection, the governing body must remove the*
22 *member. The member shall not vote on any matter before the*
23 *governing body until the sponsor has made a determination*
24 *whether the member may continue to serve on the governing body*
25 *pursuant to subsection 5.*

26 4. *The sponsor of the charter school shall promptly review*
27 *the report to determine whether the conviction of the member is*
28 *related or unrelated to membership on the governing body of a*
29 *charter school. To remain a member of the governing body of the*
30 *charter school, the member shall, upon the request of the sponsor,*
31 *provide any further information that the sponsor determines is*
32 *necessary to make the determination. If the governing body of the*
33 *charter school desires the service of the member on the governing*
34 *body, the governing body shall, upon the request of the sponsor,*
35 *provide any further information that the sponsor determines is*
36 *necessary to make the determination. The sponsor shall provide*
37 *written notice of the determination to the member and to the*
38 *governing body of the charter school.*

39 5. *If the sponsor determines that the conviction of the*
40 *member is related to membership on the governing body of the*
41 *charter school, the governing body of the charter school must*
42 *remove the member. If the sponsor determines that the conviction*
43 *of the member is not related to the membership on the governing*
44 *body of the charter school, the member may continue to serve on*
45 *the governing body.*



1 **Sec. 8. 1.** *In a county in which more than five charter*
2 *schools are located and the total number of pupils enrolled in the*
3 *charter schools exceeds 25 percent of the combined enrollment of*
4 *all public schools, including, without limitation, charter schools,*
5 *the Department shall, in consultation with all sponsors of charter*
6 *schools in the county, determine whether holding a weighted*
7 *lottery for admission to charter schools would improve diversity in*
8 *charter schools that do not have a preference for at-risk pupils. If*
9 *the Department determines that a weighted lottery for admission to*
10 *charter schools would improve diversity in such charter schools,*
11 *the Department shall, to the extent authorized by federal law,*
12 *adopt regulations authorizing charter schools to establish a*
13 *weighted lottery.*

14 **2.** *In a county in which more than ten charter schools are*
15 *located and the total number of pupils enrolled in charter schools*
16 *exceeds 50 percent of the combined enrollment of all public*
17 *schools, including, without limitation, charter schools, the*
18 *Department shall, in consultation with all sponsors of charter*
19 *schools in the county:*

20 **(a)** *Adopt regulations establishing a uniform enrollment*
21 *calendar and process for enrolling pupils applicable to all charter*
22 *schools in the county. The regulations must establish a lottery for*
23 *admission to each charter school in the county. If a charter school*
24 *does not have a preference for at-risk pupils, the lottery must, to*
25 *the extent authorized by federal law, be a weighted lottery.*

26 **(b)** *Allow the board of trustees of the school district to provide*
27 *input regarding the enrollment calendar, processes for enrolling*
28 *pupils and lotteries established pursuant to paragraph (a).*

29 **Sec. 9.** NRS 386.490 is hereby amended to read as follows:

30 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*
31 *sections 2 to 8, inclusive of this act,* the words and terms defined in
32 NRS 386.492 to 386.503, inclusive, *and sections 2 and 3 of this act*
33 have the meanings ascribed to them in those sections.

34 **Sec. 10.** NRS 386.495 is hereby amended to read as follows:

35 386.495 ~~["Director"]~~ *"Executive Director"* means the
36 *Executive* Director of the State Public Charter School Authority
37 appointed pursuant to NRS 386.511.

38 **Sec. 11.** NRS 386.5095 is hereby amended to read as follows:

39 386.5095 1. The State Public Charter School Authority
40 consists of seven members. The membership of the State Public
41 Charter School Authority consists of:

42 **(a)** Two members appointed by the Governor in accordance with
43 subsection 2;

44 **(b)** Two members, who must not be Legislators, appointed by
45 the Majority Leader of the Senate in accordance with subsection 2;



1 (c) Two members, who must not be Legislators, appointed by
2 the Speaker of the Assembly in accordance with subsection 2; and

3 (d) One member appointed by the Charter School Association of
4 Nevada or its successor organization.

5 2. The Governor, the Majority Leader of the Senate and the
6 Speaker of the Assembly shall ensure that the membership of the
7 State Public Charter School Authority:

8 (a) Includes persons with a demonstrated understanding of
9 charter schools and a commitment to using charter schools as a way
10 to strengthen public education in this State;

11 (b) Includes a parent or legal guardian of a pupil enrolled in a
12 charter school in this State;

13 (c) Includes persons with specific knowledge of:

14 (1) Issues relating to elementary and secondary education;

15 (2) School finance or accounting, or both;

16 (3) Management practices;

17 (4) Assessments required in elementary and secondary
18 education;

19 (5) Educational technology; and

20 (6) The laws and regulations applicable to charter schools;

21 ~~and~~

22 (d) Insofar as practicable, reflects the ethnic and geographical
23 diversity of this State ~~;~~; and

24 *(e) Insofar as practicable, consists of persons who are experts
25 on best practices for authorizing charter schools and developing
26 and operating high-quality charter schools and charter
27 management organizations.*

28 3. Each member of the State Public Charter School Authority
29 must be a resident of this State.

30 4. After the initial terms, the term of each member of the State
31 Public Charter School Authority is 3 years, commencing on July 1
32 of the year in which he or she is appointed. A vacancy in the
33 membership of the State Public Charter School Authority must be
34 filled for the remainder of the unexpired term in the same manner as
35 the original appointment. A member shall continue to serve on the
36 State Public Charter School Authority until his or her successor is
37 appointed.

38 5. The members of the State Public Charter School Authority
39 shall select a Chair and Vice Chair from among its members. After
40 the initial selection of those officers, each of those officers holds the
41 position for a term of 2 years commencing on July 1 of each odd-
42 numbered year. If a vacancy occurs in the Chair or Vice Chair, the
43 vacancy must be filled in the same manner as the original selection
44 for the remainder of the unexpired term.



1 6. Each member of the State Public Charter School Authority
2 is entitled to receive:

3 (a) For each day or portion of a day during which he or she
4 attends a meeting of the State Public Charter School Authority a
5 salary of not more than \$80, as fixed by the State Public Charter
6 School Authority; and

7 (b) For each day or portion of a day during which he or she
8 attends a meeting of the State Public Charter School Authority or is
9 otherwise engaged in the business of the State Public Charter School
10 Authority the per diem allowance and travel expenses provided for
11 state officers and employees generally.

12 **Sec. 12.** NRS 386.511 is hereby amended to read as follows:

13 386.511 1. The State Public Charter School Authority shall
14 appoint ~~to~~ *an Executive* Director of the State Public Charter School
15 Authority for a term of 3 years. The State Public Charter School
16 Authority shall ensure that the *Executive* Director has a
17 demonstrated understanding of charter schools and a commitment to
18 using charter schools as a way to strengthen public education in this
19 State.

20 2. A vacancy in the position of *Executive* Director must be
21 filled by the State Public Charter School Authority for the remainder
22 of the unexpired term.

23 3. The *Executive* Director is *not* in the *classified or*
24 unclassified service of the State.

25 **Sec. 13.** NRS 386.5115 is hereby amended to read as follows:

26 386.5115 ~~The~~ *With the approval of the State Public Charter*
27 *School Authority, the Executive* Director ~~shall not~~ *may* pursue
28 any other business or occupation or hold any other office ,
29 *including, without limitation, serving as a member on a*
30 *committee, board or task force of an organization relating to*
31 *charter schools, serving as a reviewer of applications to form a*
32 *charter school for organizations other than the State Public*
33 *Charter School Authority and holding an office* of profit , *and may*
34 *accept reimbursement for travel costs relating to such activities.*
35 *The Executive Director shall not pursue any other business or*
36 *occupation or hold any other office* without the approval of the
37 State Public Charter School Authority.

38 **Sec. 14.** NRS 386.512 is hereby amended to read as follows:

39 386.512 The *Executive* Director shall:

40 1. Execute, direct and supervise all administrative, technical
41 and procedural activities of the State Public Charter School
42 Authority in accordance with the policies prescribed by the State
43 Public Charter School Authority;



1 2. Organize the State Public Charter School Authority in a
2 manner which will ensure the efficient operation and service of the
3 State Public Charter School Authority;

4 3. Serve as the Executive Secretary of the State Public Charter
5 School Authority;

6 4. Ensure that the autonomy provided to charter schools in this
7 State pursuant to state law and regulations is preserved; and

8 5. Perform such other duties as are prescribed by law or the
9 State Public Charter School Authority.

10 **Sec. 15.** NRS 386.5125 is hereby amended to read as follows:

11 386.5125 *1.* The State Public Charter School Authority may
12 employ such persons as it deems necessary to carry out the
13 provisions of NRS 386.490 to 386.649, inclusive **H**, *and sections 2*
14 *to 8, inclusive, of this act.* The staff employed by the State Public
15 Charter School Authority must be qualified to carry out the daily
16 responsibilities of sponsoring charter schools, *including, without*
17 *limitation, oversight of written charters and charter contracts,* in
18 accordance with the provisions of NRS 386.490 to 386.649,
19 inclusive **H**, *and sections 2 to 8, inclusive, of this act.*

20 *2. The staff must include:*

21 *(a) Attorneys with significant experience with laws concerning*
22 *education, special education and nonprofit organizations;*

23 *(b) Persons with experience overseeing the annual audits and*
24 *financial operations of large school districts, nonprofit*
25 *organizations or large corporations;*

26 *(c) Persons with experience conducting assessments and*
27 *evaluations while employed by a large school district;*

28 *(d) Administrators with significant experience overseeing*
29 *special education programs and programs while employed by a*
30 *large school district, charter management organization,*
31 *educational management organization or other operator of*
32 *charter schools;*

33 *(e) Policy analysts with significant experience in the areas of*
34 *charter schools and education policy; and*

35 *(f) Any other persons that the State Public Charter School*
36 *Authority determines are necessary.*

37 *3. Employees of the State Public Charter School Authority*
38 *are not in the classified or unclassified service of the State and*
39 *serve at the pleasure of the State Public Charter School Authority.*

40 *4. The State Public Charter School Authority shall*
41 *periodically evaluate and make decisions concerning the number*
42 *of persons employed by the State Public Charter School Authority*
43 *and the qualifications and compensation of such persons based on*
44 *guidance from the National Association of Charter School*
45 *Authorizers, or its successor organization, an assessment of the*



1 *strategic plan for recruiting operators of charter schools prepared*
2 *pursuant to NRS 386.515 and the needs of the charter schools*
3 *sponsored by the State Public Charter School Authority.*

4 **Sec. 16.** NRS 386.5125 is hereby amended to read as follows:

5 386.5125 1. The State Public Charter School Authority may
6 employ such persons as it deems necessary to carry out the
7 provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to
8 8, inclusive, of this act. The staff employed by the State Public
9 Charter School Authority must be qualified to carry out the daily
10 responsibilities of sponsoring charter schools, including, without
11 limitation, oversight of ~~[written charters and]~~ charter contracts, in
12 accordance with the provisions of NRS 386.490 to 386.649,
13 inclusive, and sections 2 to 8, inclusive, of this act.

14 2. The staff must include:

15 (a) Attorneys with significant experience with laws concerning
16 education law, special education and nonprofit organizations;

17 (b) Persons with experience overseeing the annual audits and
18 financial operations of large school districts, nonprofit organizations
19 or large corporations;

20 (c) Persons with experience conducting assessments and
21 evaluations while employed by a large school district;

22 (d) Administrators with significant experience overseeing
23 special education programs and programs while employed by a large
24 school district, charter management organization, educational
25 management organization or other operator of charter schools;

26 (e) Policy analysts with significant experience in the areas of
27 charter schools and education policy; and

28 (f) Any other persons that the State Public Charter School
29 Authority determines are necessary.

30 3. Employees of the State Public Charter School Authority are
31 not in the classified or unclassified service of the State and serve at
32 the pleasure of the State Public Charter School Authority.

33 4. The State Public Charter School Authority shall periodically
34 evaluate and make decisions concerning the number of persons
35 employed by the State Public Charter School Authority and the
36 qualifications and compensation of such persons based on guidance
37 from the National Association of Charter School Authorizers, or its
38 successor organization, an assessment of the strategic plan for
39 recruiting operators of charter schools prepared pursuant to NRS
40 386.515 and the needs of the charter schools sponsored by the State
41 Public Charter School Authority.

42 **Sec. 17.** NRS 386.513 is hereby amended to read as follows:

43 386.513 1. The State Public Charter School Authority is
44 hereby deemed a local educational agency for the purpose of
45 directing the proportionate share of any money available from



1 federal and state categorical grant programs to charter schools which
2 are sponsored by the State Public Charter School Authority or a
3 college or university within the Nevada System of Higher Education
4 that are eligible to receive such money. *A college or university*
5 *within the Nevada System of Higher Education that sponsors a*
6 *charter school shall enter into an agreement with the State Public*
7 *Charter School Authority for the provision of any necessary*
8 *functions of a local educational authority.* A charter school that
9 receives money pursuant to such a grant program shall comply with
10 any applicable reporting requirements to receive the grant.

11 2. If the charter school is eligible to receive special education
12 program units, the Department shall pay the special education
13 program units directly to the charter school.

14 3. As used in this section, "local educational agency" has the
15 meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

16 **Sec. 18.** NRS 386.5135 is hereby amended to read as follows:

17 386.5135 1. The Account for the State Public Charter School
18 Authority is hereby created in the State General Fund, to be
19 administered by the *Executive* Director.

20 2. The interest and income earned on the money in the Account
21 must be credited to the Account.

22 3. The money in the Account may be used only for the
23 establishment and maintenance of the State Public Charter School
24 Authority.

25 4. Any money remaining in the Account at the end of a fiscal
26 year does not revert to the State General Fund, and the balance in
27 the Account must be carried forward to the next fiscal year.

28 5. The *Executive* Director and the State Public Charter School
29 Authority may accept gifts, grants and bequests to carry out the
30 provisions of NRS 386.490 to 386.649, inclusive **[]**, *and sections 2*
31 *to 8, inclusive, of this act.* Any money from gifts, grants and
32 bequests must be deposited in the Account and may be expended in
33 accordance with the terms and conditions of the gift, grant or
34 bequest, or in accordance with this section.

35 **Sec. 19.** NRS 386.515 is hereby amended to read as follows:

36 386.515 1. The board of trustees of a school district may
37 apply to the Department for authorization to sponsor charter schools
38 within the school district in accordance with the regulations adopted
39 by the Department pursuant to NRS 386.540. An application must
40 be approved by the Department before the board of trustees may
41 sponsor a charter school. Not more than 180 days after receiving
42 approval to sponsor charter schools, the board of trustees shall
43 provide public notice of its ability to sponsor charter schools and
44 solicit applications for charter schools.



1 2. The State Public Charter School Authority shall sponsor
2 charter schools whose applications have been approved by the State
3 Public Charter School Authority pursuant to NRS 386.525. Except
4 as otherwise provided by specific statute, if the State Public Charter
5 School Authority sponsors a charter school, the State Public Charter
6 School Authority is responsible for the evaluation, monitoring and
7 oversight of the charter school.

8 3. A college or university within the Nevada System of Higher
9 Education may submit an application to the Department to sponsor
10 charter schools in accordance with the regulations adopted by the
11 Department pursuant to NRS 386.540. An application must be
12 approved by the Department before a college or university within
13 the Nevada System of Higher Education may sponsor charter
14 schools.

15 4. *The board of trustees of a school district or a college or*
16 *university within the Nevada System of Higher Education may*
17 *enter into an agreement with the State Public Charter School*
18 *Authority to provide technical assistance and support in preparing*
19 *an application to sponsor a charter school and planning and*
20 *executing the duties of a sponsor of a charter school as prescribed*
21 *in this section.*

22 5. Each sponsor of a charter school shall carry out the
23 following duties and powers:

24 (a) Evaluating applications to form charter schools as prescribed
25 by NRS 386.525;

26 (b) Approving applications to form charter schools that the
27 sponsor determines are high quality, meet the identified educational
28 needs of pupils and will serve to promote the diversity of public
29 educational choices in this State;

30 (c) Declining to approve applications to form charter schools
31 that do not satisfy the requirements of NRS 386.525;

32 (d) Negotiating and executing charter contracts pursuant to
33 NRS 386.527;

34 (e) Monitoring, in accordance with NRS 386.490 to 386.649,
35 inclusive, *and sections 2 to 8, inclusive, of this act*, and in
36 accordance with the terms and conditions of the applicable charter
37 contract, the performance and compliance of each charter school
38 sponsored by the entity; ~~and~~

39 (f) Determining whether the charter contract of a charter school
40 that the entity sponsors merits renewal or whether the renewal of the
41 charter contract should be denied or whether the written charter
42 should be revoked or the charter contract terminated, as applicable,
43 in accordance with NRS 386.530, 386.535 or 386.5351, as
44 applicable ~~;~~

45 ~~—5.} ; and~~



1 *(g) Determining whether the governing body of a charter*
2 *school should be reconstituted in accordance with NRS 386.535 or*
3 *386.5351, as applicable.*

4 **6.** Each sponsor of a charter school shall develop policies and
5 practices that are consistent with state laws and regulations
6 governing charter schools. In developing the policies and practices,
7 the sponsor shall review and evaluate nationally recognized policies
8 and practices for sponsoring organizations of charter schools. The
9 policies and practices must include, without limitation:

10 (a) The organizational capacity and infrastructure of the sponsor
11 for sponsorship of charter schools, which must not be described as a
12 limit on the number of charter schools the sponsor will approve;

13 (b) The procedure and criteria for *soliciting and* evaluating
14 charter school applications in accordance with NRS 386.525 ~~and~~
15 ~~for the~~;

16 (c) *The procedure and criteria for evaluating applications for*
17 *renewal of charter contracts pursuant to NRS 386.530* ~~;~~

18 ~~—(e)]~~, *which must include, without limitation:*

19 (1) *Specific application procedures and timelines for*
20 *committees to form a charter school that plan to enter into a*
21 *contract with an educational management organization to operate*
22 *the charter school, committees to form a charter school that do not*
23 *plan to enter into such a contract and charter management*
24 *organizations; and*

25 (2) *A description of the manner in which the sponsor will*
26 *evaluate the previous performance of an educational management*
27 *organization or other person with whom a committee to form a*
28 *charter school plans to enter into a contract to operate a charter*
29 *school or a charter management organization that submits an*
30 *application to form a charter school;*

31 (d) *The procedure for amending a written charter or charter*
32 *contract and the criteria for determining whether a request for*
33 *such an amendment will be approved which must include, without*
34 *limitation, any manner in which such procedures and criteria will*
35 *differ if the sponsor determines that the amendment is material or*
36 *strategically important;*

37 (e) *A strategic plan for recruiting charter management*
38 *organizations, educational management organizations and other*
39 *persons to operate charter schools based on the priorities of the*
40 *sponsor and the needs of the pupils that will be served by the*
41 *charter schools that will be sponsored by the sponsor;*

42 (f) A description of how the sponsor will maintain oversight of
43 the charter schools it sponsors ~~;~~, *which must include, without*
44 *limitation:*



1 (1) *An assessment of the needs of the charter schools that*
2 *are sponsored by the sponsor that is prepared with the input of the*
3 *governing bodies of such charter schools; and*

4 (2) *A strategic plan for the oversight and provision of*
5 *technical support to charter schools that are sponsored by the*
6 *sponsor in the areas of academic, fiscal and organizational*
7 *performance, which must include, without limitation, strategies*
8 *for assisting such charter schools to improve their performance in*
9 *these areas while preserving the autonomy of the charter schools;*
10 and

11 ~~[(d)]~~ (g) A description of the process of evaluation for the
12 charter schools it sponsors in accordance with NRS 386.610.

13 ~~[(6)]~~ 7. *Each sponsor of a charter school shall prepare, in*
14 *collaboration with the Department, an evaluation of the academic*
15 *needs of pupils in geographic areas served by the sponsor.*

16 8. Evidence of material or persistent failure to carry out the
17 powers and duties of a sponsor prescribed by this section constitutes
18 grounds for revocation of the entity's authority to sponsor charter
19 schools.

20 **Sec. 20.** NRS 386.515 is hereby amended to read as follows:

21 386.515 1. The board of trustees of a school district may
22 apply to the Department for authorization to sponsor charter schools
23 within the school district in accordance with the regulations adopted
24 by the Department pursuant to NRS 386.540. An application must
25 be approved by the Department before the board of trustees may
26 sponsor a charter school. Not more than 180 days after receiving
27 approval to sponsor charter schools, the board of trustees shall
28 provide public notice of its ability to sponsor charter schools and
29 solicit applications for charter schools.

30 2. The State Public Charter School Authority shall sponsor
31 charter schools whose applications have been approved by the State
32 Public Charter School Authority pursuant to NRS 386.525. Except
33 as otherwise provided by specific statute, if the State Public Charter
34 School Authority sponsors a charter school, the State Public Charter
35 School Authority is responsible for the evaluation, monitoring and
36 oversight of the charter school.

37 3. A college or university within the Nevada System of Higher
38 Education may submit an application to the Department to sponsor
39 charter schools in accordance with the regulations adopted by the
40 Department pursuant to NRS 386.540. An application must be
41 approved by the Department before a college or university within
42 the Nevada System of Higher Education may sponsor charter
43 schools.

44 4. *The board of trustees of a school district or a college or*
45 *university within the Nevada System of Higher Education may*



1 *enter into an agreement with the State Public Charter School*
2 *Authority to provide technical assistance and support in preparing*
3 *an application to sponsor a charter school and planning and*
4 *executing the duties of a sponsor of a charter school prescribed in*
5 *this section.*

6 5. Each sponsor of a charter school shall carry out the
7 following duties and powers:

8 (a) Evaluating applications to form charter schools as prescribed
9 by NRS 386.525;

10 (b) Approving applications to form charter schools that the
11 sponsor determines are high quality, meet the identified educational
12 needs of pupils and will serve to promote the diversity of public
13 educational choices in this State;

14 (c) Declining to approve applications to form charter schools
15 that do not satisfy the requirements of NRS 386.525;

16 (d) Negotiating and executing charter contracts pursuant to
17 NRS 386.527;

18 (e) Monitoring, in accordance with NRS 386.490 to 386.649,
19 inclusive, *and sections 2 to 8, inclusive, of this act*, and in
20 accordance with the terms and conditions of the applicable charter
21 contract, the performance and compliance of each charter school
22 sponsored by the entity; ~~and~~

23 (f) Determining whether the charter contract of a charter school
24 that the entity sponsors merits renewal or whether the renewal of the
25 charter contract should be denied or whether the charter contract
26 should be terminated in accordance with NRS 386.530, 386.535 or
27 386.5351, as applicable ~~;~~
28 ~~—5.1 ; and~~

29 (g) *Determining whether the governing body of a charter*
30 *school should be reconstituted in accordance with NRS 386.535 or*
31 *386.5351, as applicable.*

32 6. Each sponsor of a charter school shall develop policies and
33 practices that are consistent with state laws and regulations
34 governing charter schools. In developing the policies and practices,
35 the sponsor shall review and evaluate nationally recognized policies
36 and practices for sponsoring organizations of charter schools. The
37 policies and practices must include, without limitation:

38 (a) The organizational capacity and infrastructure of the sponsor
39 for sponsorship of charter schools, which must not be described as a
40 limit on the number of charter schools the sponsor will approve;

41 (b) The procedure and criteria for *soliciting and* evaluating
42 charter school applications in accordance with NRS 386.525 ~~and~~
43 ~~for the~~;

44 (c) *The procedure and criteria for evaluating applications for*
45 *renewal of charter contracts pursuant to NRS 386.530* ~~;~~



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1 ~~—(e)~~ , which must include, without limitation:

2 (1) Specific application procedures and timelines for
3 committees to form a charter school that plan to enter into a
4 contract with an educational management organization to operate
5 the charter school, committees to form a charter school that do not
6 plan to enter into such a contract and charter management
7 organizations; and

8 (2) A description of the manner in which the sponsor will
9 evaluate the previous performance of an educational management
10 organization or other person with whom a committee to form a
11 charter school plans to enter into a contract to operate a charter
12 school or a charter management organization that submits an
13 application to form a charter school;

14 (d) The procedure for amending a charter contract and the
15 criteria for determining whether a request for such an amendment
16 will be approved which must include, without limitation, any
17 manner in which such procedures and criteria will differ if the
18 sponsor determines that the amendment is material or strategically
19 important;

20 (e) A strategic plan for recruiting charter management
21 organizations, educational management organizations and other
22 persons to operate charter schools based on the priorities of the
23 sponsor and the needs of the pupils that will be served by the
24 charter schools that will be sponsored by the sponsor;

25 (f) A description of how the sponsor will maintain oversight of
26 the charter schools it sponsors ~~[(f)]~~ , which must include, without
27 limitation:

28 (1) An assessment of the needs of the charter schools that
29 are sponsored by the sponsor that is prepared with the input of the
30 governing bodies of such charter schools; and

31 (2) A strategic plan for the oversight and provision of
32 technical support to charter schools that are sponsored by the
33 sponsor in the areas of academic, fiscal and organizational
34 performance, which must include, without limitation, strategies
35 for assisting such charter schools to improve their performance in
36 these areas while preserving the autonomy of the charter schools;
37 and

38 ~~[(g)]~~ (g) A description of the process of evaluation for the
39 charter schools it sponsors in accordance with NRS 386.610.

40 ~~[(6)]~~ 7. Each sponsor of a charter school shall prepare, in
41 collaboration with the Department, an evaluation of the academic
42 needs of pupils in geographic areas served by the sponsor.

43 8. Evidence of material or persistent failure to carry out the
44 powers and duties of a sponsor prescribed by this section constitutes



1 grounds for revocation of the entity's authority to sponsor charter
2 schools.

3 **Sec. 21.** NRS 386.520 is hereby amended to read as follows:

4 386.520 1. A committee to form a charter school must
5 consist of:

6 (a) One member who is a teacher or other person licensed
7 pursuant to chapter 391 of NRS or who previously held such a
8 license and is retired, as long as his or her license was held in good
9 standing;

10 (b) One member who:

11 (1) Satisfies the qualifications of paragraph (a); or

12 (2) Is a school administrator with a license issued by another
13 state or who previously held such a license and is retired, as long as
14 his or her license was held in good standing;

15 (c) One parent or legal guardian who is not a teacher or
16 employee of the proposed charter school; and

17 (d) Two members who possess knowledge and expertise in one
18 or more of the following areas:

19 (1) Accounting;

20 (2) Financial services;

21 (3) Law; or

22 (4) Human resources.

23 2. In addition to the members who serve pursuant to subsection
24 1, the committee to form a charter school may include, without
25 limitation, not more than four additional members as follows:

26 (a) Members of the general public;

27 (b) Representatives of nonprofit organizations and businesses;
28 or

29 (c) Representatives of a college or university within the Nevada
30 System of Higher Education.

31 3. A majority of the persons who serve on the committee to
32 form a charter school must be residents of this State at the time that
33 the application to form the charter school is submitted to the
34 Department.

35 4. The ~~[committee to form a charter school]~~ *applicant* shall
36 ensure that the completed application:

37 (a) Presents ~~[the]~~ *a clear, measurable and high-quality*
38 academic, financial and organizational vision and plans for the
39 proposed charter school; and

40 (b) Provides the proposed sponsor of the charter school with a
41 clear basis for assessing the capacity of the applicant to carry out the
42 vision and plans.

43 5. An application to form a charter school must include all
44 information prescribed by the Department by regulation and:



1 (a) A ~~[written description of how the charter school will carry~~
2 ~~out the provisions of NRS 386.490 to 386.649, inclusive.]~~ *summary*
3 *of the plan for the proposed charter school.*

4 (b) A *clear* written description of the mission *of the charter*
5 *school* and *the* goals for the charter school. A charter school must
6 have as its stated purpose at least one of the following goals:

7 (1) Improving the academic achievement of pupils;

8 (2) Encouraging the use of effective and innovative methods
9 of teaching;

10 (3) Providing an accurate measurement of the educational
11 achievement of pupils;

12 (4) Establishing accountability and transparency of public
13 schools;

14 (5) Providing a method for public schools to measure
15 achievement based upon the performance of the schools; or

16 (6) Creating new professional opportunities for teachers.

17 (c) *A clear description of the indicators, measures and metrics*
18 *for the categories of academics, finances and organization that the*
19 *charter school proposes to use, the internal and external*
20 *assessments that will be used to assess performance in those*
21 *categories and the objectives that the committee to form a charter*
22 *school plans to achieve in those categories, which must be*
23 *expressed in terms of the objectives, measures and metrics. The*
24 *objectives and the indicators, measures and metrics used by the*
25 *charter school must be consistent with the performance*
26 *framework adopted by the sponsor pursuant to NRS 386.527.*

27 (d) *A resume and background information for each person*
28 *who serves on the board of the charter management organization*
29 *or the committee to form a charter school, as applicable, which*
30 *must include the name, telephone number, electronic mail*
31 *address, background, qualifications, any past or current affiliation*
32 *with any charter school in this State or any other state, any*
33 *potential conflicts of interest and any other information required*
34 *by the sponsor.*

35 (e) *The proposed location of, or the geographic area to be*
36 *served by, the charter school and evidence of a need and*
37 *community support for the charter school in that area.*

38 (f) *The minimum, planned and maximum* projected enrollment
39 *of pupils in each grade in the charter school* ~~f~~
40 ~~—(d)]~~ *for each year that the charter school would operate under*
41 *the proposed charter contract.*

42 (g) *The procedure for applying for admission to the proposed*
43 *charter school, which must include, without limitation, the*
44 *proposed dates for accepting applications for enrollment in* ~~the~~
45 ~~initial]~~ *each* year of operation ~~[of the charter school-~~



1 ~~—(e) The proposed system of governance for the charter school,~~
2 ~~including, without limitation, the number of persons who will~~
3 ~~govern, the method for nominating and electing the persons who~~
4 ~~will govern and the term of office for each person.~~

5 ~~—(f) The method by which disputes will be resolved between the~~
6 ~~governing body of the charter school and the sponsor of the charter~~
7 ~~school.~~

8 ~~—(g) The proposed curriculum for the charter school and, if~~
9 ~~applicable to the grade level of pupils who are enrolled in the~~
10 ~~charter school, the requirements for the pupils to receive a high~~
11 ~~school diploma, including, without limitation, whether those pupils~~
12 ~~will satisfy the requirements of the school district in which the~~
13 ~~charter school is located for receipt of a high school diploma.]~~
14 *under the proposed charter contract and a statement of whether*
15 *the charter school will enroll pupils who are in a particular*
16 *category of at-risk pupils before enrolling other children who are*
17 *eligible to attend the charter school pursuant to NRS 386.580 and*
18 *the method for determining eligibility for enrollment in each such*
19 *category of at-risk pupils served by the charter school.*

20 (h) ~~[The textbooks that will be used at the charter school.]~~ *The*
21 *academic program that the charter school proposes to use, a*
22 *description of how the academic program complies with the*
23 *requirements of NRS 386.550, the proposed academic calendar for*
24 *the first year of operation and a sample daily schedule for a pupil*
25 *in each grade served by the charter school.*

26 (i) ~~[The qualifications of the persons who will provide~~
27 ~~instruction at the charter school.]~~ *A description of the proposed*
28 *instructional design of the charter school and the type of learning*
29 *environment the school will provide, including, without limitation,*
30 *whether the charter school will provide a program of distance*
31 *education, the planned class size and structure, the proposed*
32 *curriculum for the charter school and the teaching methods that*
33 *will be used at the charter school.*

34 (j) ~~[Except as otherwise required by NRS 386.595, the process~~
35 ~~by which the governing body of the charter school will negotiate~~
36 ~~employment contracts with the employees of the charter school.]~~ *The*
37 *manner in which the school plans to identify and serve the*
38 *needs of pupils with disabilities, pupils who are English language*
39 *learners, pupils who are academically behind their peers and*
40 *gifted pupils.*

41 (k) ~~[A financial plan for the operation of the charter school. The~~
42 ~~plan must include, without limitation, procedures for the audit of the~~
43 ~~programs and finances of the charter school and guidelines for~~
44 ~~determining the financial liability if the charter school is~~
45 ~~unsuccessful.]~~ *A description of any co-curricular or*



1 *extracurricular activities that the school plans to offer and the*
2 *manner in which these programs will be funded.*

3 (l) *Any uniform or dress code policy that the school plans to*
4 *use.*

5 (m) *Plans and timelines for recruiting and enrolling students,*
6 *including procedures for any lottery for admission that the school*
7 *plans to conduct.*

8 (n) *The rules of behavior and punishments that the school*
9 *plans to adopt pursuant to NRS 386.585, including, without*
10 *limitation, any unique discipline policies for pupils enrolled in a*
11 *program of special education.*

12 (o) *A chart that clearly presents the proposed organizational*
13 *structure of the school and a clear description of the roles and*
14 *responsibilities of the governing body, administrators and any*
15 *other persons included on the chart.*

16 (p) *The names of any external organizations that will play a*
17 *role in operating the school and the role each such organization*
18 *will play.*

19 (q) *The manner in which the governing body of the charter*
20 *school will be chosen.*

21 (r) *A staffing chart for the first year in which the charter*
22 *school plans to operate and a projected staffing plan for the term*
23 *of the charter contract.*

24 (s) *Plans for recruiting administrators, teachers and other*
25 *staff, providing professional development to such staff.*

26 (t) *Proposed bylaws for the governing body, a description of*
27 *the manner in which the school will be governed, including,*
28 *without limitation, any governance training that will be provided*
29 *to the governing body, and a code of ethics for members and*
30 *employees of the governing body. The code of ethics must be*
31 *prepared with guidance from the Nevada Commission on Ethics*
32 *and must not conflict with any policy adopted by the sponsor.*

33 (u) *Explanations of any partnerships or contracts central to*
34 *the operations or mission of the charter school.*

35 (v) A statement of whether the charter school will provide for
36 the transportation of pupils to and from the charter school. If the
37 charter school will provide transportation, the application must
38 include the proposed plan for the transportation of pupils. If the
39 charter school will not provide transportation, the application must
40 include a statement that the charter school will work with the
41 parents and guardians of pupils enrolled in the charter school to
42 develop a plan for transportation to ensure that pupils have access to
43 transportation to and from the charter school.

44 ~~(m)~~ (w) The procedure for the evaluation of teachers of the
45 charter school, if different from the procedure prescribed in



1 NRS 391.3125 and 391.3128. If the procedure is different from the
2 procedure prescribed in NRS 391.3125 and 391.3128, the procedure
3 for the evaluation of teachers of the charter school must provide the
4 same level of protection and otherwise comply with the standards
5 for evaluation set forth in NRS 391.3125 and 391.3128.

6 ~~[(n) The time by which certain academic or educational results
7 will be achieved.~~

8 ~~—(o) The kind of school, as defined in subsections 1 to 4,
9 inclusive, of NRS 388.020, for which the charter school intends to
10 operate.~~

11 ~~—(p) A statement of whether the charter school will enroll pupils
12 who are in a particular category of at risk pupils before enrolling
13 other children who are eligible to attend the charter school pursuant
14 to NRS 386.580 and the method for determining eligibility for
15 enrollment in each such category of at risk pupils served by the
16 charter school.]~~

17 *(x) A statement of the school's plans for food service and other
18 significant operational services, including a statement of whether
19 the charter school will provide food service or participate in the
20 National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If
21 the charter school will not provide food service or participate in
22 the National School Lunch Program, the application must include
23 an explanation of the manner in which the charter school will
24 ensure that the lack of such food service or participation does not
25 prevent pupils from attending the charter school.*

26 *(y) Opportunities and expectations for involving the parents of
27 pupils enrolled in the charter school in instruction at the school
28 and the operation of the school, including, without limitation, the
29 manner in which the charter school will solicit input concerning
30 the governance of the charter school from such parents.*

31 *(z) A detailed plan for starting operation of the charter school
32 that identifies necessary tasks, the persons responsible for
33 performing them and the dates by which such tasks will be
34 accomplished.*

35 *(aa) A description of the financial plan and policies to be used
36 by the charter school.*

37 *(bb) A description of the insurance coverage the school will
38 obtain.*

39 *(cc) Budgets for starting operation at the charter school, the
40 first year of operation of the charter school and the first 5 years of
41 operation of the charter school, with any assumptions inherent in
42 the budgets clearly stated.*

43 *(dd) Evidence of any money pledged or contributed to the
44 budget of the charter school.*



1 (ee) A statement of the facilities that will be used to operate the
2 charter school and a plan for operating such facilities, including,
3 without limitation, any backup plan to be used if the charter
4 school cannot be operated out of the planned facilities.

5 (ff) If the charter school is a vocational school, a description
6 of the career and technical education program that will be used by
7 the school.

8 (gg) If the charter school will provide a program of distance
9 education, a description of the system of course credits that the
10 school will use and the manner in which the school will:

11 (1) Monitor and verify the participation in and completion
12 of courses by pupils;

13 (2) Require pupils to participate in assessments and submit
14 coursework;

15 (3) Conduct parent-teacher conferences; and

16 (4) Administer any test, examination or assessment
17 required by state or federal law in a proctored setting.

18 (hh) If the charter school will provide a program where a
19 student may earn college credit for courses taken in high school, a
20 draft memorandum of understanding between the charter school
21 and the college or university through which the credits will be
22 earned and a term sheet, which must set forth:

23 (1) The proposed duration of the relationship between the
24 charter school and the college or university and the conditions for
25 renewal and termination of the relationship;

26 (2) The roles and responsibilities of the governing body of
27 the charter school, the employees of the charter school and the
28 college or university;

29 (3) The scope of the services and resources that will be
30 provided by the college or university;

31 (4) The manner and amount that the college or university
32 will be compensated for providing such services and resources,
33 including, without limitation, any tuition and fees that pupils at
34 the charter school will pay to the college or university;

35 (5) The manner in which the college or university will
36 ensure that the charter school effectively monitors pupil
37 enrollment and attendance and the acquisition of college credits;
38 and

39 (6) Any employees of the college or university who will
40 serve on the governing body of the charter school.

41 (ii) If the applicant currently operates a charter school in
42 another state, evidence of the performance of such charter schools
43 and the capacity of the applicant to operate the proposed charter
44 school.



1 (jj) *If the applicant proposes to contract with an educational*
2 *management organization or any other person to provide*
3 *educational or management services:*

4 (1) *Evidence of the performance of the educational*
5 *management organization or other person when providing such*
6 *services to a population of pupils similar to the population that*
7 *will be served by the proposed charter school;*

8 (2) *A term sheet that sets forth:*

9 (I) *The proposed duration of the proposed contract*
10 *between the governing body of the charter school and the*
11 *educational management organization;*

12 (II) *A description of the responsibilities of the governing*
13 *body of the charter school, employees of the charter school and*
14 *the educational management organization or other person;*

15 (III) *All fees that will be paid to the educational*
16 *management organization or other person;*

17 (IV) *The manner in which the governing body of the*
18 *charter school will oversee the services provided by the*
19 *educational management organization or other person and*
20 *enforce the terms of the contract;*

21 (V) *A disclosure of the investments of the educational*
22 *management organization or other person; and*

23 (VI) *The conditions for renewal and termination of the*
24 *contract; and*

25 (3) *A disclosure of any conflicts of interest concerning the*
26 *applicant and the educational management organization or other*
27 *person, including, without limitation, any past or current*
28 *employment, business or familial relationship between any*
29 *prospective employee of the charter school and a member of the*
30 *committee to form a charter school or the board of directors of the*
31 *charter management organization, as applicable.*

32 (kk) *Any additional information required by the sponsor.*

33 6. As used in subsection 1, "teacher" means a person who:

34 (a) Holds a current license to teach issued pursuant to chapter
35 391 of NRS or who previously held such a license and is retired, as
36 long as his or her license was held in good standing; and

37 (b) Has at least 2 years of experience as an employed teacher.

38 ↪ The term does not include a person who is employed as a
39 substitute teacher.

40 **Sec. 22.** NRS 386.525 is hereby amended to read as follows:

41 386.525 1. A *committee to form a charter school or charter*
42 *management organization* may submit the application to the
43 proposed sponsor of the charter school. If an application proposes to
44 convert an existing public school, homeschool or other program of



1 home study into a charter school, the proposed sponsor shall deny
2 the application.

3 2. The proposed sponsor of a charter school shall, in reviewing
4 an application to form a charter school:

5 (a) Assemble a team of reviewers *from different geographic*
6 *areas of the United States* who possess the appropriate knowledge
7 and expertise with regard to the academic, financial and
8 organizational experience of charter schools to review and evaluate
9 the application;

10 (b) Conduct a thorough evaluation of the application, which
11 includes an in-person interview with the ~~committee to form the~~
12 ~~charter school;~~ *applicant designed to elicit any necessary*
13 *clarifications or additional information about the proposed*
14 *charter school and determine the ability of the applicants to*
15 *establish a high-quality charter school;*

16 (c) Base its determination on documented evidence collected
17 through the process of reviewing the application; and

18 (d) Adhere to the policies and practices developed by the
19 proposed sponsor pursuant to subsection ~~5~~ 6 of NRS 386.515.

20 3. The proposed sponsor of a charter school may approve an
21 application to form a charter school only if the proposed sponsor
22 determines that:

23 (a) The application:

24 (1) Complies with NRS 386.490 to 386.649, inclusive, *and*
25 *sections 2 to 8, inclusive, of this act* and the regulations applicable
26 to charter schools; and

27 (2) Is complete in accordance with the regulations of the
28 Department ~~5~~ *and the policies and practices of the sponsor;* and

29 (b) The applicant has demonstrated competence in accordance
30 with the criteria for approval prescribed by the sponsor pursuant to
31 subsection ~~5~~ 6 of NRS 386.515 that will likely result in a
32 successful opening and operation of the charter school.

33 4. If the board of trustees of a school district or a college or a
34 university within the Nevada System of Higher Education, as
35 applicable, receives an application to form a charter school, the
36 board of trustees or the institution, as applicable, shall consider the
37 application at a meeting that must be held not later than 60 days
38 after the receipt of the application, or a later period mutually agreed
39 upon by the committee to form the charter school and the board of
40 trustees of the school district or the institution, as applicable, and
41 ensure that notice of the meeting has been provided pursuant to
42 chapter 241 of NRS. The board of trustees, the college or the
43 university, as applicable, shall review an application in accordance
44 with the requirements for review set forth in subsections 2 and 3.



1 5. The board of trustees, the college or the university, as
2 applicable, may approve an application if it satisfies the
3 requirements of subsection 3.

4 6. The board of trustees, the college or the university, as
5 applicable, shall provide written notice to the applicant of its
6 approval or denial of the application. If the board of trustees, the
7 college or the university, as applicable, denies an application, it shall
8 include in the written notice the reasons for the denial and the
9 deficiencies in the application. The applicant must be granted 30
10 days after receipt of the written notice to correct any deficiencies
11 identified in the written notice and resubmit the application.

12 7. If the board of trustees, the college or the university, as
13 applicable, denies an application after it has been resubmitted
14 pursuant to subsection 6, the applicant may submit a written request
15 for sponsorship by the State Public Charter School Authority not
16 more than 30 days after receipt of the written notice of denial. Any
17 request that is submitted pursuant to this subsection must be
18 accompanied by the application to form the charter school.

19 8. If the State Public Charter School Authority receives an
20 application pursuant to subsection 1 or 7, it shall consider the
21 application at a meeting which must be held not later than 60 days
22 after receipt of the application or a later period mutually agreed
23 upon by the committee to form the charter school and the State
24 Public Charter School Authority. Notice of the meeting must be
25 posted in accordance with chapter 241 of NRS. The State Public
26 Charter School Authority shall review the application in accordance
27 with the requirements for review set forth in subsections 2 and 3.
28 The State Public Charter School Authority may approve an
29 application only if it satisfies the requirements of subsection 3. Not
30 more than 30 days after the meeting, the State Public Charter School
31 Authority shall provide written notice of its determination to the
32 applicant.

33 9. If the State Public Charter School Authority denies or fails
34 to act upon an application, the denial or failure to act must be based
35 upon a finding that the applicant failed to satisfy the requirements of
36 subsection 3. The State Public Charter School Authority shall
37 include in the written notice the reasons for the denial or the failure
38 to act and the deficiencies in the application. The staff designated by
39 the State Public Charter School Authority shall meet with the
40 applicant to confer on the method to correct the identified
41 deficiencies. The applicant must be granted 30 days after receipt of
42 the written notice to correct any deficiencies identified in the written
43 notice and resubmit the application.

44 10. If the State Public Charter School Authority denies an
45 application after it has been resubmitted pursuant to subsection 9,



1 the applicant may, not more than 30 days after the receipt of the
2 written notice from the State Public Charter School Authority,
3 appeal the final determination to the district court of the county in
4 which the proposed charter school will be located.

5 11. *Notwithstanding the provisions of this section, a sponsor*
6 *may adopt regulations establishing timelines and procedures by*
7 *which the sponsor will review applications. These regulations*
8 *may:*

9 (a) *Establish different timelines and review procedures for*
10 *different types of applicants; and*

11 (b) *Authorize or require an applicant to submit an abbreviated*
12 *application, the contents of such an application and criteria that*
13 *the State Public Charter School Authority will use to determine*
14 *whether to invite the applicant to submit a full application that*
15 *meets the requirements of NRS 386.520 or deny the abbreviated*
16 *application and recommend that the applicant make substantial*
17 *revisions and submit the application during another application*
18 *cycle.*

19 12. *The State Public Charter School Authority may enter into*
20 *a contract with any qualified person to:*

21 (a) *Foster the development of high-quality charter*
22 *management organizations, educational management*
23 *organizations and other persons to operate charter schools in this*
24 *State;*

25 (b) *Solicit applications to form charter schools from high-*
26 *quality applicants;*

27 (c) *Provide training concerning the governance and*
28 *management of charter schools to governing bodies of charter*
29 *schools and applicants to form charter schools; or*

30 (d) *Provide professional development and support services to*
31 *the administration and other employees of charter schools.*

32 13. *The State Public Charter School Authority may provide*
33 *compensation pursuant to a contract entered into pursuant to*
34 *subsection 12 using any money raised by the State Public Charter*
35 *School Authority from private donors for that purpose or any*
36 *money received from fees paid to the State Public Charter School*
37 *Authority.*

38 14. On or before January 1 of each odd-numbered year, the
39 Superintendent of Public Instruction shall submit a written report to
40 the Director of the Legislative Counsel Bureau for transmission to
41 the next regular session of the Legislature. The report must include:

42 (a) A list of each application to form a charter school that was
43 submitted to the board of trustees of a school district, the State
44 Public Charter School Authority, a college or a university during the
45 immediately preceding biennium;



1 (b) The educational focus of each charter school for which an
2 application was submitted;

3 (c) The current status of the application; and

4 (d) If the application was denied, the reasons for the denial.

5 **Sec. 23.** NRS 386.527 is hereby amended to read as follows:

6 386.527 1. If the proposed sponsor of a charter school
7 approves an application to form a charter school, it shall, before
8 June 11, 2013, grant a written charter to the governing body of
9 the charter school or, on or after June 11, 2013, negotiate and
10 execute a charter contract with the governing body of the charter
11 school. A charter contract must be executed not later than 60 days
12 before the charter school commences operation. The charter contract
13 must be in writing and incorporate, without limitation:

14 (a) The performance framework for the charter school;

15 (b) A description of the administrative relationship between the
16 sponsor of the charter school and the governing body of the charter
17 school, including, without limitation, the rights and duties of the
18 sponsor and the governing body; and

19 (c) Any pre-opening conditions which the sponsor has
20 determined are necessary for the charter school to satisfy before the
21 commencement of operation to ensure that the charter school meets
22 all building, health, safety, insurance and other legal requirements.

23 2. The charter contract must be signed by a member of the
24 governing body of the charter school and:

25 (a) If the board of trustees of a school district is the sponsor of
26 the charter school, the superintendent of schools of the school
27 district;

28 (b) If the State Public Charter School Authority is the sponsor of
29 the charter school, the Chair of the State Public Charter School
30 Authority; or

31 (c) If a college or university within the Nevada System of
32 Higher Education is the sponsor of the charter school, the president
33 of the college or university.

34 3. Before the charter contract is executed, the sponsor of the
35 charter school must approve the charter contract at a meeting of the
36 sponsor held in accordance with chapter 241 of NRS.

37 4. The sponsor of the charter school shall, not later than 10
38 days after the execution of the charter contract, provide to the
39 Department:

40 (a) Written notice of the charter contract and the date of
41 execution; and

42 (b) A copy of the charter contract and any other documentation
43 relevant to the charter contract.

44 5. If the board of trustees approves the application, the board of
45 trustees shall be deemed the sponsor of the charter school.



1 6. If the State Public Charter School Authority approves the
2 application:

3 (a) The State Public Charter School Authority shall be deemed
4 the sponsor of the charter school.

5 (b) Neither the State of Nevada, the State Board, the State
6 Public Charter School Authority nor the Department is an employer
7 of the members of the governing body of the charter school or any
8 of the employees of the charter school.

9 7. If a college or university within the Nevada System of
10 Higher Education approves the application:

11 (a) That institution shall be deemed the sponsor of the charter
12 school.

13 (b) Neither the State of Nevada, the State Board nor the
14 Department is an employer of the members of the governing body of
15 the charter school or any of the employees of the charter school.

16 8. The governing body of a charter school may request, at any
17 time, a change in the sponsorship of the charter school to an entity
18 that is authorized to sponsor charter schools pursuant to NRS
19 386.515. The State Board shall adopt:

20 (a) A process for a charter school that requests a change in the
21 sponsorship of the charter school, which must not require the charter
22 school to undergo all the requirements of an initial application to
23 form a charter school; and

24 (b) Objective criteria for the conditions under which such a
25 request may be granted.

26 9. A written charter or a charter contract, as applicable, must be
27 for a term of 6 years. The term of the charter contract begins on the
28 first day of operation of the charter school after the charter contract
29 has been executed. The sponsor of the charter school may require, or
30 the governing body of the charter school may request that the
31 sponsor authorize, the charter school to delay commencement of
32 operation for 1 school year.

33 10. The governing body of a charter school may submit to the
34 sponsor of the charter school a written request for an amendment of
35 the written charter or charter contract, as applicable. ~~[Such an
36 amendment may include, without limitation, the expansion of
37 instruction and other educational services to pupils who are enrolled
38 in grade levels other than the grade levels of pupils currently
39 approved for enrollment in the charter school.]~~ If the proposed
40 amendment complies with the provisions of NRS 386.490 to
41 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and
42 any other statute or regulation applicable to charter schools, the
43 sponsor and the governing body of the charter school may amend
44 the written charter or charter contract, as applicable, in accordance
45 with the proposed amendment. *A sponsor may require, as a*



1 *condition of granting a request for an amendment to a governing*
2 *body that has been granted a written charter, such a governing*
3 *body to agree to the revocation of the written charter and to enter*
4 *into a charter contract.* If the sponsor denies the request for an
5 amendment, the sponsor shall provide written notice to the
6 governing body of the charter school setting forth the reasons for the
7 denial.

8 11. A charter school shall not commence operation *in a new*
9 *facility* and is not eligible to receive apportionments *for pupils*
10 *enrolled in the new facility* pursuant to NRS 387.124 until the
11 sponsor has determined that the requirements of this section have
12 been satisfied and that the facility the charter school will occupy has
13 been inspected and meets the requirements of any applicable
14 building codes, codes for the prevention of fire, and codes
15 pertaining to safety, health and sanitation. Except as otherwise
16 provided in this subsection, the sponsor shall make such a
17 determination 30 days before the first day of school for the:

18 (a) Schools of the school district in which the charter school is
19 located that operate on a traditional school schedule and not a year-
20 round school schedule; or

21 (b) Charter school,

22 ➔ whichever date the sponsor selects. The sponsor shall not require
23 a charter school to demonstrate compliance with the requirements of
24 this subsection more than 30 days before the date selected.
25 However, it may authorize a charter school to demonstrate
26 compliance less than 30 days before the date selected.

27 **Sec. 24.** NRS 386.527 is hereby amended to read as follows:

28 386.527 1. If the proposed sponsor of a charter school
29 approves an application to form a charter school, it shall negotiate
30 and execute a charter contract with the governing body of the
31 charter school. A charter contract must be executed not later than 60
32 days before the charter school commences operation. The charter
33 contract must be in writing and incorporate, without limitation:

34 (a) The performance framework for the charter school;

35 (b) A description of the administrative relationship between the
36 sponsor of the charter school and the governing body of the charter
37 school, including, without limitation, the rights and duties of the
38 sponsor and the governing body; and

39 (c) Any pre-opening conditions which the sponsor has
40 determined are necessary for the charter school to satisfy before the
41 commencement of operation to ensure that the charter school meets
42 all building, health, safety, insurance and other legal requirements.

43 2. The charter contract must be signed by a member of the
44 governing body of the charter school and:



1 (a) If the board of trustees of a school district is the sponsor of
2 the charter school, the superintendent of schools of the school
3 district;

4 (b) If the State Public Charter School Authority is the sponsor of
5 the charter school, the Chair of the State Public Charter School
6 Authority; or

7 (c) If a college or university within the Nevada System of
8 Higher Education is the sponsor of the charter school, the president
9 of the college or university.

10 3. Before the charter contract is executed, the sponsor of the
11 charter school must approve the charter contract at a meeting of the
12 sponsor held in accordance with chapter 241 of NRS.

13 4. The sponsor of the charter school shall, not later than 10
14 days after the execution of the charter contract, provide to the
15 Department:

16 (a) Written notice of the charter contract and the date of
17 execution; and

18 (b) A copy of the charter contract and any other documentation
19 relevant to the charter contract.

20 5. If the board of trustees approves the application, the board of
21 trustees shall be deemed the sponsor of the charter school.

22 6. If the State Public Charter School Authority approves the
23 application:

24 (a) The State Public Charter School Authority shall be deemed
25 the sponsor of the charter school.

26 (b) Neither the State of Nevada, the State Board, the State
27 Public Charter School Authority nor the Department is an employer
28 of the members of the governing body of the charter school or any
29 of the employees of the charter school.

30 7. If a college or university within the Nevada System of
31 Higher Education approves the application:

32 (a) That institution shall be deemed the sponsor of the charter
33 school.

34 (b) Neither the State of Nevada, the State Board nor the
35 Department is an employer of the members of the governing body of
36 the charter school or any of the employees of the charter school.

37 8. The governing body of a charter school may request, at any
38 time, a change in the sponsorship of the charter school to an entity
39 that is authorized to sponsor charter schools pursuant to NRS
40 386.515. The State Board shall adopt:

41 (a) A process for a charter school that requests a change in the
42 sponsorship of the charter school, which must not require the charter
43 school to undergo all the requirements of an initial application to
44 form a charter school; and



1 (b) Objective criteria for the conditions under which such a
2 request may be granted.

3 9. A charter contract must be for a term of 6 years. The term of
4 the charter contract begins on the first day of operation of the
5 charter school after the charter contract has been executed. The
6 sponsor of the charter school may require, or the governing body of
7 the charter school may request that the sponsor authorize, the charter
8 school to delay commencement of operation for 1 school year.

9 10. The governing body of a charter school may submit to the
10 sponsor of the charter school a written request for an amendment of
11 the charter contract. ~~[Such an amendment may include, without
12 limitation, the expansion of instruction and other educational
13 services to pupils who are enrolled in grade levels other than the
14 grade levels of pupils currently approved for enrollment in the
15 charter school.]~~ If the proposed amendment complies with the
16 provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to
17 8, inclusive, of this act*, and any other statute or regulation
18 applicable to charter schools, the sponsor and the governing body of
19 the charter school may amend the charter contract in accordance
20 with the proposed amendment. If the sponsor denies the request for
21 an amendment, the sponsor shall provide written notice to the
22 governing body of the charter school setting forth the reasons for the
23 denial.

24 11. A charter school shall not commence operation *in a new*
25 *facility* and is not eligible to receive apportionments pursuant to
26 NRS 387.124 *for pupils enrolled in a new facility* until the sponsor
27 has determined that the requirements of this section have been
28 satisfied and that the facility the charter school will occupy has been
29 inspected and meets the requirements of any applicable building
30 codes, codes for the prevention of fire, and codes pertaining to
31 safety, health and sanitation. Except as otherwise provided in this
32 subsection, the sponsor shall make such a determination 30 days
33 before the first day of school for the:

34 (a) Schools of the school district in which the charter school is
35 located that operate on a traditional school schedule and not a year-
36 round school schedule; or

37 (b) Charter school,
38 ↪ whichever date the sponsor selects. The sponsor shall not require
39 a charter school to demonstrate compliance with the requirements of
40 this subsection more than 30 days before the date selected.
41 However, it may authorize a charter school to demonstrate
42 compliance less than 30 days before the date selected.

43 **Sec. 25.** NRS 386.528 is hereby amended to read as follows:

44 386.528 1. ~~[The]~~ *Each sponsor of a charter school shall*
45 *adopt a* performance framework ~~[that is required to be incorporated]~~



1 *and incorporate the performance framework* into the charter
2 contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 .
3 *The performance framework* must include, without limitation,
4 performance indicators, measures and metrics for the categories of
5 academics, finances and organization as follows:

6 (a) The category of academics addresses:

7 (1) The academic achievement and proficiency of pupils
8 enrolled in the charter school, including, without limitation, the
9 progress of pupils from year-to-year based upon the model to
10 measure the achievement of pupils adopted by the Department
11 pursuant to NRS 385.3595;

12 (2) Disparities in the academic achievement and proficiency
13 of pupils enrolled in the charter school; and

14 (3) If the charter school enrolls pupils at the high school
15 grade level, the rate of graduation of those pupils and the
16 preparation of those pupils for success in postsecondary educational
17 institutions and in career and workforce readiness.

18 (b) The category of finances addresses the financial condition
19 and sustainability of the charter school.

20 (c) The category of organization addresses:

21 (1) The percentage of pupils who reenroll in the charter
22 school from year-to-year;

23 (2) The rate of attendance of pupils enrolled in the charter
24 school; and

25 (3) The performance of the governing body of the charter
26 school, including, without limitation, compliance with the terms and
27 conditions of the charter contract and the applicable statutes and
28 regulations.

29 2. In addition to the requirements for the performance
30 framework set forth in subsection 1, the sponsor of the charter
31 school may, upon request of the governing body of the charter
32 school, include additional rigorous, valid and reliable performance
33 indicators, measures and metrics in the performance framework that
34 are specific to the mission of the charter school and that are
35 consistent with NRS 386.490 to 386.649, inclusive **[]**, *and sections*
36 *2 to 8, inclusive, of this act.*

37 3. The governing body of a charter school shall, in consultation
38 with the sponsor of the charter school, establish annual performance
39 goals to ensure that the charter school is meeting the
40 performance indicators, measures and metrics set forth in the
41 performance framework in the charter contract.

42 4. If an application for renewal of a charter contract is
43 approved, the sponsor of the charter school may review and, if
44 necessary, revise the performance framework. Such a revised



1 performance framework must be incorporated into the renewed
2 charter contract.

3 5. The sponsor of a charter school shall ensure the collection,
4 analysis and reporting of all data from the results of pupils enrolled
5 in the charter school on statewide examinations to determine
6 whether the charter school is meeting the performance indicators,
7 measures and metrics for the achievement and proficiency of pupils
8 as set forth in the performance framework for the charter school.
9 *The sponsor of the charter school may aggregate data reported by*
10 *the State and collected by the sponsor concerning pupil*
11 *achievement and school performance at separate facilities*
12 *operated by the same governing body or charter management*
13 *organization and across all grades served by the charter school for*
14 *the purpose of evaluating and reporting pupil achievement and*
15 *school performance. The sponsor may also disaggregate such data*
16 *by facility and by grade level or group of grade levels to provide*
17 *greater transparency and accountability. The sponsor may also*
18 *adopt policies for determining pupil achievement and school*
19 *performance at a charter school.*

20 **Sec. 26.** NRS 386.530 is hereby amended to read as follows:

21 386.530 1. On or before June 30 immediately preceding the
22 final school year in which a charter school is authorized to operate
23 pursuant to its charter contract, the sponsor of the charter school
24 shall submit to the governing body of the charter school a written
25 report summarizing the performance of the charter school *and each*
26 *facility that constitutes the charter school* during the term of the
27 charter contract, including, without limitation:

28 (a) A summary of the performance of the charter school based
29 upon the terms of the charter contract and the requirements of NRS
30 386.490 to 386.649, inclusive ~~2~~, *and sections 2 to 8, inclusive, of*
31 *this act;*

32 (b) An identification of any deficiencies relating to the
33 performance of the charter school which the sponsor has determined
34 may result in nonrenewal of the charter contract if the deficiencies
35 remain uncorrected;

36 (c) Requirements for the application for renewal of the charter
37 contract submitted to the sponsor pursuant to subsection ~~2~~ 3; and

38 (d) The criteria that the sponsor will apply in making a
39 determination on the application for renewal based upon the
40 performance framework for the charter school and the requirements
41 of NRS 386.490 to 386.649, inclusive ~~2~~, *and sections 2 to 8,*
42 *inclusive, of this act. Such criteria must include, without*
43 *limitation, the performance indicators, measures and metrics*
44 *included in the performance framework.*



1 2. The governing body of a charter school may submit a
2 written response to the sponsor of the charter school concerning the
3 performance report prepared by the sponsor pursuant to subsection
4 1, which may include any revisions or clarifications that the
5 governing body seeks to make to the report.

6 3. If a charter school seeks to renew its charter contract, the
7 governing body of the charter school shall submit an application for
8 renewal to the sponsor of the charter school on or before October 15
9 of the final school year in which the charter school is authorized to
10 operate pursuant to its charter contract. The application for renewal
11 must include, without limitation:

12 (a) The requirements for the application identified by the
13 sponsor in the performance report prepared by the sponsor pursuant
14 to subsection 1;

15 (b) A description of the academic, financial and organizational
16 vision and plans for the charter school for the next charter term;

17 (c) Any information or data that the governing body of the
18 charter school determines supports the renewal of the charter
19 contract in addition to the information contained in the performance
20 report prepared by the sponsor pursuant to subsection 1 and any
21 response submitted by the governing body pursuant to subsection 2;
22 and

23 (d) A description of any improvements to the charter school
24 already undertaken or planned.

25 4. The sponsor of a charter school shall consider the
26 application for renewal of the charter contract at a meeting held in
27 accordance with chapter 241 of NRS. The sponsor shall provide
28 written notice to the governing body of the charter school
29 concerning its determination on the application for renewal of the
30 charter contract not more than 60 days after receipt of the
31 application for renewal from the governing body. The determination
32 of the sponsor must be based upon:

33 (a) The criteria of the sponsor for the renewal of charter
34 contracts; and

35 (b) Evidence of the performance of the charter school during the
36 term of the charter contract in accordance with the performance
37 framework for the charter school.

38 5. The sponsor of the charter school shall:

39 (a) Make available to the governing body of the charter school
40 the data used in making the renewal decision; and

41 (b) Post a report on the Internet website of the sponsor
42 summarizing the decision of the sponsor on the application for
43 renewal and the basis for its decision.

44 6. A charter contract may be renewed for a term of 6 years.



1 **Sec. 27.** NRS 386.535 is hereby amended to read as follows:
2 386.535 Except as otherwise provided in NRS 386.5351:

3 1. The sponsor of a charter school may *reconstitute the*
4 *governing body of a charter school*, revoke a written charter or
5 terminate a charter contract before the expiration of the charter if the
6 sponsor determines that:

7 (a) The charter school, its officers or its employees:

8 (1) Committed a material breach of the terms and conditions
9 of the written charter or charter contract;

10 (2) Failed to comply with generally accepted standards of
11 fiscal management;

12 (3) Failed to comply with the provisions of NRS 386.490 to
13 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, or any
14 other statute or regulation applicable to charter schools; or

15 (4) If the charter school holds a charter contract, has
16 persistently underperformed, as measured by the performance
17 indicators, measures and metrics set forth in the performance
18 framework for the charter school;

19 (b) The charter school has filed for a voluntary petition of
20 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise
21 financially impaired such that the charter school cannot continue to
22 operate; ~~for~~

23 (c) There is reasonable cause to believe that *reconstitution*,
24 revocation or termination is necessary to protect the health and
25 safety of the pupils who are enrolled in the charter school or persons
26 who are employed by the charter school from jeopardy, or to
27 prevent damage to or loss of the property of the school district or the
28 community in which the charter school is located ~~is~~; *or*

29 (d) *The sponsor determines that the committee to form the*
30 *charter school or charter management organization, as applicable,*
31 *or any member of the committee to form the charter school or*
32 *charter management organization, as applicable, or the governing*
33 *body of the charter school has at any time made a material*
34 *representation or omission concerning any information disclosed*
35 *to the sponsor.*

36 2. Before the sponsor *reconstitutes a governing body*, revokes
37 a written charter or terminates a charter contract, the sponsor shall
38 provide written notice of its intention to the governing body of the
39 charter school. The written notice must:

40 (a) Include a statement of the deficiencies or reasons upon
41 which the action of the sponsor is based;

42 (b) Except as otherwise provided in subsection 4, prescribe a
43 period, not less than 30 days, during which the charter school may
44 correct the deficiencies, including, without limitation, the date on



1 which the period to correct the deficiencies begins and the date on
2 which that period ends;

3 (c) Prescribe the date on which the sponsor will make a
4 determination regarding whether the charter school has corrected the
5 deficiencies, which determination may be made during the public
6 hearing held pursuant to subsection 3; and

7 (d) Prescribe the date on which the sponsor will hold a public
8 hearing to consider whether to *reconstitute the governing body*,
9 revoke the written charter or terminate the charter contract.

10 3. Except as otherwise provided in subsection 4, not more than
11 90 days after the notice is provided pursuant to subsection 2, the
12 sponsor shall hold a public hearing to make a determination
13 regarding whether to *reconstitute the governing body*, revoke the
14 written charter or terminate the charter contract. If the charter school
15 corrects the deficiencies to the satisfaction of the sponsor within the
16 time prescribed in paragraph (b) of subsection 2, the sponsor shall
17 not *reconstitute the governing body*, revoke the written charter or
18 terminate the charter contract of the charter school. The sponsor
19 may not include in a written notice pursuant to subsection 2 any
20 deficiency which was included in a previous written notice and
21 which was corrected by the charter school, unless the deficiency
22 recurred after being corrected ~~[]~~ *or the sponsor determines that the*
23 *deficiency is evidence of an ongoing pattern of deficiencies in a*
24 *particular area.*

25 4. The sponsor of a charter school and the governing body of
26 the charter school may enter into a written agreement that prescribes
27 different time periods than those set forth in subsections 2 and 3.

28 5. If the *governing body of a charter school is reconstituted*,
29 *the* written charter is revoked or the charter contract is terminated,
30 the sponsor of the charter school shall submit a written report to the
31 Department and the governing body of the charter school setting
32 forth the reasons for the *reconstitution or* termination , *as*
33 *applicable*, not later than 10 days after *reconstituting the governing*
34 *body*, revoking the written charter or terminating the charter
35 contract.

36 **Sec. 28.** NRS 386.5351 is hereby amended to read as follows:
37 386.5351 1. The sponsor of a charter school shall
38 *reconstitute the governing body of a charter school*, revoke the
39 written charter or terminate the charter contract of the charter school
40 if ~~[the]~~ :

41 (a) *The* charter school *is a high school that* receives three
42 consecutive annual ratings established as the lowest rating possible
43 indicating underperformance of a public school, as determined by
44 the Department pursuant to the statewide system of accountability



1 for public schools ~~[-]~~ *or has a graduation rate for the immediately*
2 *preceding school year that is less than 60 percent;*

3 *(b) The charter school is an elementary or middle school that*
4 *is rated in the lowest 5 percent of elementary or middle schools in*
5 *the State in pupil achievement and school performance, as*
6 *determined by the Department pursuant to the statewide system of*
7 *accountability for public schools; or*

8 *(c) Pupil achievement and school performance at the charter*
9 *school is unsatisfactory as determined by the Department pursuant*
10 *to criteria prescribed by regulation by the Department to measure*
11 *the performance of any public school.*

12 2. A charter school's annual rating pursuant to the statewide
13 system of accountability based upon the performance of the charter
14 school for any school year before the 2013-2014 school year must
15 not be included in the count of consecutive annual ratings for the
16 purposes of ~~[this subsection.~~

17 ~~—2.]~~ *paragraph (a) of subsection 1, unless the sponsor*
18 *determines that the governing body lacks the capacity to improve*
19 *pupil achievement and school performance.*

20 3. *The Superintendent of Public Instruction may exempt a*
21 *charter school from the provisions of paragraphs (a) and (b) of*
22 *subsection 1 if the Superintendent determines that there has been*
23 *a significant change to the statewide system of accountability that*
24 *justifies such an exemption. In such cases, the years before and*
25 *after the exemption is awarded shall be deemed to be consecutive*
26 *years for the purposes of paragraph (a) of subsection 1.*

27 4. If a *governing body is reconstituted*, a written charter is
28 revoked or a charter contract is terminated pursuant to subsection 1,
29 the sponsor of the charter school shall submit a written report to the
30 Department and the governing body of the charter school setting
31 forth the reasons for the *reconstitution, revocation or* termination
32 not later than 10 days after *reconstituting the governing body*,
33 revoking the written charter or terminating the charter contract.

34 ~~[3.]~~ 5. The provisions of NRS 386.535 do not apply to the
35 *reconstitution of a governing body, the* revocation of a written
36 charter or termination of a charter contract pursuant to this section.

37 **Sec. 29.** NRS 386.5351 is hereby amended to read as follows:

38 386.5351 1. ~~[The]~~ A sponsor of a charter school ~~[shall~~
39 ~~terminate the charter contract of the charter school]~~ *is required to*
40 *take the action described in this section* if ~~[the]~~ *more than 5*
41 *percent of the* ~~[school receives]~~ *schools that are sponsored*
42 *by the sponsor meet any of the following criteria:*

43 *(a) The charter schools are high schools that receive* three
44 consecutive annual ratings established as the lowest rating possible
45 indicating underperformance of a public school, as determined by



1 the Department pursuant to the statewide system of accountability
2 for public schools ~~§~~ *or have a graduation rate for the immediately*
3 *preceding school year that is less than 60 percent;*

4 (b) *The charter schools are elementary or middle schools that*
5 *are rated in the lowest 5 percent of elementary or middle schools*
6 *in the State in pupil achievement and school performance, as*
7 *determined by the Department pursuant to the statewide system of*
8 *accountability for public schools; or*

9 (c) *Pupil achievement and school performance at the charter*
10 *schools is unsatisfactory as determined by the Department*
11 *pursuant to criteria prescribed by regulation by the Department to*
12 *measure the performance of any public school.*

13 2. A charter school's annual rating pursuant to the statewide
14 system of accountability based upon the performance of the charter
15 school for any school year before the 2013-2014 school year must
16 not be included in the count of consecutive annual ratings for the
17 purposes of *paragraph (a) of subsection 1 or this subsection* ~~§~~
18 ~~—2.1~~ *, unless the sponsor determines that the governing body*
19 *lacks the capacity to improve pupil achievement and school*
20 *performance.*

21 3. *If more than 5 percent of the charter schools sponsored by*
22 *a sponsor meet the criteria established in subsection 1, the sponsor*
23 *may reconstitute the governing body or terminate the charter*
24 *contract of any charter school that meets those criteria. If the*
25 *sponsor does not take such action, the sponsor must submit to the*
26 *Department an explanation of the reasons it did not take such*
27 *action. If the Department determines that the explanation is*
28 *inadequate, the Department may deem the failure to provide an*
29 *adequate explanation to be evidence of material or persistent*
30 *failure to carry out the powers and duties of a sponsor for the*
31 *purposes of NRS 386.515.*

32 4. *If more than 10 percent of the charter schools sponsored*
33 *by a sponsor meet the criteria established in subsection 1, the*
34 *sponsor may reconstitute the governing body or terminate the*
35 *charter contract of any charter school that meets those criteria*
36 *and must take such action with regard to at least 50 percent of the*
37 *charter schools that meet those criteria or at least one charter*
38 *school that meets those criteria, whichever is larger.*

39 5. If a *governing body is reconstituted or a* charter contract is
40 terminated pursuant to subsection ~~§~~ *3 or 4*, the sponsor of the
41 charter school shall submit a written report to the Department and
42 the governing body of the charter school setting forth the reasons for
43 the *reconstitution or* termination not later than 10 days after
44 *reconstituting the governing body or* terminating the charter
45 contract.



1 ~~[3-]~~ 6. The provisions of NRS 386.535 do not apply to the
2 termination of a charter contract pursuant to this section.

3 **Sec. 30.** NRS 386.536 is hereby amended to read as follows:

4 386.536 1. If a charter school ceases to operate voluntarily, if
5 a charter contract is not renewed or ~~[upon revocation of]~~ *if* a written
6 charter *is revoked* or ~~[termination of]~~ a charter contract ~~[]~~ *is*
7 *terminated and the sponsor does not recruit a governing body of*
8 *another charter school to operate another campus of the other*
9 *charter school to replace the charter school whose written charter*
10 *is revoked or whose charter contract is terminated pursuant to*
11 *section 6 of this act*, as applicable, the governing body of the charter
12 school shall:

13 (a) Give written notice of the closure to:

14 (1) The sponsor of the charter school, unless the closure
15 results from the revocation of the written charter or the non-renewal
16 or termination of a charter contract, as applicable;

17 (2) The Director of the Department of Business and Industry;

18 (3) The board of trustees of the school district in which the
19 charter school is located, unless the board of trustees is the sponsor
20 of the charter school and the closure results from the revocation of
21 the written charter or the non-renewal or termination of a charter
22 contract, as applicable;

23 (4) The Department;

24 (5) The parents or legal guardians of the pupils enrolled in
25 the charter school; and

26 (6) The creditors of the charter school;

27 (b) Except as otherwise provided in subsections 4 and 5, appoint
28 an administrator of the charter school, subject to the approval of the
29 sponsor of the charter school, to act as a trustee during the process
30 of the closure of the charter school and for 1 year after the date of
31 closure;

32 (c) As soon as practicable, develop and present to the sponsor of
33 the charter school a written plan for the closure of the charter
34 school;

35 (d) Maintain an office at the charter school or elsewhere, with
36 regular hours of operation and voice messaging stating the hours of
37 operation;

38 (e) Maintain existing insurance coverage in force for the period
39 required by the sponsor of the charter school;

40 (f) Conduct a financial audit and an inventory of all the assets of
41 the charter school and cause a written report of the audit and
42 inventory to be prepared for the sponsor of the charter school and
43 the Department;



1 (g) Prepare a written list of the creditors of the charter school,
2 identifying secured creditors and the assets in which those creditors
3 have a security interest;

4 (h) Supply any information or documents required by the
5 sponsor of the charter school; and

6 (i) Protect all the assets of the charter school from theft,
7 misappropriation, deterioration or other loss.

8 2. The notice of the closure required by subsection 1 must
9 include:

10 (a) The date of closure;

11 (b) A statement of the plan of the charter school to assist pupils
12 to identify and transfer to another school; and

13 (c) The telephone number, mailing address and physical address
14 of the office required by subsection 1.

15 3. The administrator appointed pursuant to subsection 1 shall
16 carry out the duties prescribed for the governing body of the charter
17 school by paragraphs (c) to (i), inclusive, of subsection 1 if the
18 governing body ceases to exist or is otherwise unable to perform
19 those duties and shall assume the responsibility for the records of
20 the:

21 (a) Charter school;

22 (b) Employees of the charter school; and

23 (c) Pupils enrolled in the charter school.

24 4. If an administrator for the charter school is no longer
25 available to carry out the duties set forth in subsection 3, the
26 governing body of the charter school shall appoint a qualified
27 person to assume those duties.

28 5. If the governing body of the charter school ceases to exist or
29 is otherwise unable to appoint an administrator pursuant to
30 subsection 1 or a qualified person pursuant to subsection 4, the
31 sponsor of the charter school shall appoint an administrator or a
32 qualified person to carry out the duties set forth in subsection 3.

33 6. In addition to performing the duties set forth in subsection 3,
34 the administrator appointed by the governing body of the charter
35 school or the sponsor, or the qualified person appointed to carry out
36 the duties of the administrator, shall:

37 (a) Cause to be paid and discharged all the liabilities and
38 obligations of the charter school to the extent of the charter school's
39 assets;

40 (b) Terminate any lease, service agreement or any other contract
41 of the charter school that is not necessary to complete the closure of
42 the charter school;

43 (c) Supply any information or documents required by the
44 sponsor of the charter school; and



1 (d) After the financial affairs of the charter school have been
2 wound up and the closure of the charter school has otherwise been
3 completed, cause a financial audit to be prepared and cause a written
4 report of the audit to be prepared for the sponsor of the charter
5 school and the Department.

6 7. The governing body of the charter school or the sponsor of
7 the charter school may, to the extent practicable, provide financial
8 compensation to the administrator or person appointed to carry out
9 the provisions of this section. If the sponsor of the charter school
10 provides such financial compensation, the sponsor is entitled to
11 receive reimbursement from the charter school for the costs incurred
12 by the sponsor in providing the financial compensation. Such
13 reimbursement must not exceed costs incurred for a period longer
14 than 6 months.

15 **Sec. 31.** NRS 386.536 is hereby amended to read as follows:

16 386.536 1. If a charter school ceases to operate voluntarily, if
17 a charter contract is not renewed or ~~upon termination of~~ if
18 a charter contract ~~is~~ *is terminated and the sponsor does not recruit a*
19 *governing body of another charter school to operate another*
20 *campus of the other charter school to replace the charter school*
21 *whose written charter is revoked or whose charter contract is*
22 *terminated pursuant to section 6 of this act*, as applicable, the
23 governing body of the charter school shall:

24 (a) Give written notice of the closure to:

25 (1) The sponsor of the charter school, unless the closure
26 results from the non-renewal or termination of a charter contract;

27 (2) The Director of the Department of Business and Industry;

28 (3) The board of trustees of the school district in which the
29 charter school is located, unless the board of trustees is the sponsor
30 of the charter school and the closure results from the non-renewal or
31 termination of a charter contract;

32 (4) The Department;

33 (5) The parents or legal guardians of the pupils enrolled in
34 the charter school; and

35 (6) The creditors of the charter school;

36 (b) Except as otherwise provided in subsections 4 and 5, appoint
37 an administrator of the charter school, subject to the approval of the
38 sponsor of the charter school, to act as a trustee during the process
39 of the closure of the charter school and for 1 year after the date of
40 closure;

41 (c) As soon as practicable, develop and present to the sponsor of
42 the charter school a written plan for the closure of the charter
43 school;



1 (d) Maintain an office at the charter school or elsewhere, with
2 regular hours of operation and voice messaging stating the hours of
3 operation;

4 (e) Maintain existing insurance coverage in force for the period
5 required by the sponsor of the charter school;

6 (f) Conduct a financial audit and an inventory of all the assets of
7 the charter school and cause a written report of the audit and
8 inventory to be prepared for the sponsor of the charter school and
9 the Department;

10 (g) Prepare a written list of the creditors of the charter school,
11 identifying secured creditors and the assets in which those creditors
12 have a security interest;

13 (h) Supply any information or documents required by the
14 sponsor of the charter school; and

15 (i) Protect all the assets of the charter school from theft,
16 misappropriation, deterioration or other loss.

17 2. The notice of the closure required by subsection 1 must
18 include:

19 (a) The date of closure;

20 (b) A statement of the plan of the charter school to assist pupils
21 to identify and transfer to another school; and

22 (c) The telephone number, mailing address and physical address
23 of the office required by subsection 1.

24 3. The administrator appointed pursuant to subsection 1 shall
25 carry out the duties prescribed for the governing body of the charter
26 school by paragraphs (c) to (i), inclusive, of subsection 1 if the
27 governing body ceases to exist or is otherwise unable to perform
28 those duties and shall assume the responsibility for the records of
29 the:

30 (a) Charter school;

31 (b) Employees of the charter school; and

32 (c) Pupils enrolled in the charter school.

33 4. If an administrator for the charter school is no longer
34 available to carry out the duties set forth in subsection 3, the
35 governing body of the charter school shall appoint a qualified
36 person to assume those duties.

37 5. If the governing body of the charter school ceases to exist or
38 is otherwise unable to appoint an administrator pursuant to
39 subsection 1 or a qualified person pursuant to subsection 4, the
40 sponsor of the charter school shall appoint an administrator or a
41 qualified person to carry out the duties set forth in subsection 3.

42 6. In addition to performing the duties set forth in subsection 3,
43 the administrator appointed by the governing body of the charter
44 school or the sponsor, or the qualified person appointed to carry out
45 the duties of the administrator, shall:



* S B 5 0 9 *

1 (a) Cause to be paid and discharged all the liabilities and
2 obligations of the charter school to the extent of the charter school's
3 assets;

4 (b) Terminate any lease, service agreement or any other contract
5 of the charter school that is not necessary to complete the closure of
6 the charter school;

7 (c) Supply any information or documents required by the
8 sponsor of the charter school; and

9 (d) After the financial affairs of the charter school have been
10 wound up and the closure of the charter school has otherwise been
11 completed, cause a financial audit to be prepared and cause a written
12 report of the audit to be prepared for the sponsor of the charter
13 school and the Department.

14 7. The governing body of the charter school or the sponsor of
15 the charter school may, to the extent practicable, provide financial
16 compensation to the administrator or person appointed to carry out
17 the provisions of this section. If the sponsor of the charter school
18 provides such financial compensation, the sponsor is entitled to
19 receive reimbursement from the charter school for the costs incurred
20 by the sponsor in providing the financial compensation. Such
21 reimbursement must not exceed costs incurred for a period longer
22 than 6 months.

23 **Sec. 32.** NRS 386.540 is hereby amended to read as follows:

24 386.540 1. The Department shall adopt regulations that
25 prescribe:

26 (a) The process for submission of an application pursuant to
27 NRS 386.515 by the board of trustees of a school district or a
28 college or university within the Nevada System of Higher Education
29 to the Department for authorization to sponsor charter schools, the
30 contents of the application, the process for the Department to review
31 the application and the timeline for review;

32 (b) The process for the Department to conduct a comprehensive
33 review of the sponsors of charter schools that it has approved for
34 sponsorship pursuant to NRS 386.515 at least once every 3 years;

35 (c) The process for the Department to determine whether to
36 continue or to revoke the authorization of a board of trustees of a
37 school district or a college or university within the Nevada System
38 of Higher Education to sponsor charter schools;

39 (d) The process for submission of an application to form a
40 charter school to the board of trustees of a school district ~~[, the State
41 Public Charter School Authority]~~ and a college or university within
42 the Nevada System of Higher Education, and the contents of the
43 application;

44 (e) The process for submission of an application to renew a
45 charter contract ~~[;]~~ *to the board of trustees of a school district and*



1 *a college or university within the Nevada System of Higher*
2 *Education, and the contents of the application;*

3 (f) The criteria and type of investigation that must be applied by
4 the board of trustees ~~[, the State Public Charter School Authority]~~
5 and a college or university within the Nevada System of Higher
6 Education in determining whether to approve an application to form
7 a charter school, an application to renew a charter contract or a
8 request for an amendment of a written charter or a charter contract;
9 ~~[and]~~

10 (g) The process for submission of an amendment of a written
11 charter or a charter contract *to the board of trustees of a school*
12 *district and a college or university within the Nevada System of*
13 *Higher Education* pursuant to NRS 386.527 and the contents of the
14 application ~~[]~~; *and*

15 (h) *In consultation with the State Public Charter School*
16 *Authority:*

17 (1) *Requirements for the annual independent audits of*
18 *charter schools, including, without limitation, required training*
19 *for prospective auditors on the expectations and scope of the*
20 *audits; and*

21 (2) *Ethics requirements for the governing bodies of charter*
22 *schools.*

23 2. The Department may adopt regulations as it determines are
24 necessary to carry out the provisions of NRS 386.490 to 386.649,
25 inclusive, *and sections 2 to 8, inclusive, of this act*, including,
26 without limitation, regulations that prescribe the:

27 (a) Procedures for accounting and budgeting;

28 (b) Requirements for performance audits and financial audits of
29 charter schools on an annual basis for charter schools that do not
30 satisfy the requirements of subsection 1 of NRS 386.5515; ~~[and]~~

31 (c) Requirements for performance audits every 3 years and
32 financial audits on an annual basis for charter schools that satisfy the
33 requirements of subsection 1 of NRS 386.5515 ~~[]~~; *and*

34 (d) *Qualifications, in addition to those prescribed pursuant to*
35 *NRS 386.520, of a charter management organization or committee*
36 *to form a charter school that is authorized to file an application to*
37 *form a charter school.*

38 3. *The State Public Charter School Authority shall adopt*
39 *regulations that prescribe:*

40 (a) *The process for submission to the State Public Charter*
41 *School Authority of an application to form a charter school, and*
42 *the contents of such an application;*

43 (b) *The process for submission to the State Public Charter*
44 *School Authority of an application to renew a charter contract,*
45 *and the contents of such an application;*



1 (c) *The process for submission to the State Public Charter*
2 *School Authority of an amendment to a written charter or charter*
3 *contract pursuant to NRS 386.527 and the contents of the*
4 *application; and*

5 (d) *The procedure for the investigation that the State Public*
6 *Charter School Authority will conduct of an application to form a*
7 *charter school, an application to renew a charter contract or an*
8 *application to request an amendment of a written charter or*
9 *charter contract, and the criteria that the State Public Charter*
10 *School Authority will use to evaluate such applications.*

11 **Sec. 33.** NRS 386.540 is hereby amended to read as follows:

12 386.540 1. The Department shall adopt regulations that
13 prescribe:

14 (a) The process for submission of an application pursuant to
15 NRS 386.515 by the board of trustees of a school district or a
16 college or university within the Nevada System of Higher Education
17 to the Department for authorization to sponsor charter schools, the
18 contents of the application, the process for the Department to review
19 the application and the timeline for review;

20 (b) The process for the Department to conduct a comprehensive
21 review of the sponsors of charter schools that it has approved for
22 sponsorship pursuant to NRS 386.515 at least once every 3 years;

23 (c) The process for the Department to determine whether to
24 continue or to revoke the authorization of a board of trustees of a
25 school district or a college or university within the Nevada System
26 of Higher Education to sponsor charter schools;

27 (d) The process for submission of an application to form a
28 charter school to the board of trustees of a school district ~~[, the State~~
29 ~~Public Charter School Authority]~~ and a college or university within
30 the Nevada System of Higher Education, and the contents of the
31 application;

32 (e) The process for submission of an application to renew a
33 charter contract ~~[;]~~ *to the board of trustees of a school district and*
34 *a college or university within the Nevada System of Higher*
35 *Education, and the contents of the application;*

36 (f) The criteria and type of investigation that must be applied by
37 the board of trustees ~~[, the State Public Charter School Authority]~~
38 and a college or university within the Nevada System of Higher
39 Education in determining whether to approve an application to form
40 a charter school, an application to renew a charter contract or a
41 request for an amendment of a charter contract; ~~[and]~~

42 (g) The process for submission of an amendment of a charter
43 contract *to the board of trustees of a school district and a college*
44 *or university within the Nevada System of Higher Education*



1 pursuant to NRS 386.527 and the contents of the application ~~§~~ ;
2 *and*

3 *(h) In consultation with the State Public Charter School*
4 *Authority:*

5 *(1) Requirements for the annual independent audits of*
6 *charter schools, including, without limitation, required training*
7 *for prospective auditors on the expectations and scope of the*
8 *audits; and*

9 *(2) Ethics requirements for the governing bodies of charter*
10 *schools.*

11 2. The Department may adopt regulations as it determines are
12 necessary to carry out the provisions of NRS 386.490 to 386.649,
13 inclusive, *and sections 2 to 8, inclusive, of this act*, including,
14 without limitation, regulations that prescribe the:

15 (a) Procedures for accounting and budgeting;

16 (b) Requirements for performance audits and financial audits of
17 charter schools on an annual basis for charter schools that do not
18 satisfy the requirements of subsection 1 of NRS 386.5515; ~~and~~

19 (c) Requirements for performance audits every 3 years and
20 financial audits on an annual basis for charter schools that satisfy the
21 requirements of subsection 1 of NRS 386.5515 ~~§~~; *and*

22 *(d) Qualifications, in addition to those prescribed pursuant to*
23 *NRS 386.520, of a charter management organization or committee*
24 *to form a charter school that is authorized to file an application to*
25 *form a charter school.*

26 3. *The State Public Charter School Authority shall adopt*
27 *regulations that prescribe:*

28 *(a) The process for submission to the State Public Charter*
29 *School Authority of an application to form a charter school, and*
30 *the contents of such an application;*

31 *(b) The process for submission to the State Public Charter*
32 *School Authority of an application to renew a charter contract,*
33 *and the contents of such an application;*

34 *(c) The process for submission to the State Public Charter*
35 *School Authority of an amendment to a charter contract pursuant*
36 *to NRS 386.527 and the contents of the application; and*

37 *(d) The procedure for the investigation that the State Public*
38 *Charter School Authority will conduct of an application to form a*
39 *charter school, an application to renew a charter contract or an*
40 *application to request an amendment of a charter contract, and*
41 *the criteria that the State Public Charter School Authority will use*
42 *to evaluate such applications.*

43 **Sec. 34.** NRS 386.545 is hereby amended to read as follows:

44 386.545 1. The Department and the board of trustees of a
45 school district shall:



1 (a) Upon request, provide information to the general public
2 concerning the formation and operation of charter schools; and

3 (b) Maintain a list available for public inspection that describes
4 the location of each charter school.

5 2. The sponsor of a charter school shall:

6 (a) Provide reasonable assistance to an applicant for a charter
7 school and to a charter school in carrying out the provisions of NRS
8 386.490 to 386.649, inclusive **[§]**, *and sections 2 to 8, inclusive, of*
9 *this act*;

10 (b) Provide technical and other reasonable assistance to a charter
11 school for the operation of the charter school;

12 (c) Provide information to the governing body of a charter
13 school concerning the availability of money for the charter school,
14 including, without limitation, money available from the Federal
15 Government;

16 (d) Provide timely access to the electronic data concerning the
17 pupils enrolled in the charter school that is maintained pursuant to
18 NRS 386.650; and

19 (e) Provide appropriate information, education and training to a
20 charter school and the governing body of a charter school
21 concerning the applicable provisions of this title and any other laws
22 and regulations that affect charter schools and the governing bodies
23 of charter schools.

24 3. If the board of trustees of a school district is the sponsor of a
25 charter school, the sponsor shall:

26 (a) Provide the charter school with an updated list of available
27 substitute teachers within the school district.

28 (b) Provide access to school buses for use by the charter school
29 for field trips. The school district may charge a reasonable fee for
30 the use of the school buses **[§]**, *which must not be greater than the*
31 *amount that the board of trustees is authorized to charge the*
32 *charter school for services pursuant to NRS 386.560.*

33 (c) If the school district offers summer school or Internet-based
34 credit recovery classes, allow the pupils enrolled in the charter
35 school to participate if space is available. The school district shall
36 apply the same fees, if any, for participation of the pupils enrolled in
37 the charter school as it applies to pupils enrolled in the school
38 district.

39 4. If the Department prescribes a process for charter schools to
40 report certain information, the Department may request the
41 identified information regardless if that information is required to be
42 submitted by charter schools pursuant to a specific statute. Upon
43 such a request, a charter school shall provide the information if the
44 Department includes a detailed description of the requested
45 information and the mechanism by which the Department will pay



1 or reimburse the charter school for the requested information, if the
2 provision of the information will incur any costs for the charter
3 school.

4 **Sec. 35.** NRS 386.547 is hereby amended to read as follows:

5 386.547 The State ~~[Board]~~ *Public Charter School Authority*
6 shall:

7 1. ~~[Review]~~ *Before March 1 of each even-numbered year:*

8 (a) *Review* all statutes and regulations from which charter
9 schools are *not* exempt and determine whether such ~~[exemption]~~
10 *statutes and regulations* assisted or impeded the charter schools in
11 achieving their ~~[educational]~~ *academic, fiscal and organizational*
12 goals and objectives ~~[]~~;

13 (b) *Make recommendations to the Legislative Committee on*
14 *Education concerning any legislation that would assist charter*
15 *schools in achieving their academic, fiscal and organizational*
16 *goals; and*

17 (c) *Make recommendations to the State Board and the*
18 *Department concerning any changes to regulations that would*
19 *assist charter schools in achieving their academic, fiscal and*
20 *organizational goals.*

21 2. Make available information concerning the formation and
22 operation of charter schools in this State *and the academic, fiscal*
23 *and organizational performance of each charter school in this*
24 *State* to pupils, parents and legal guardians of pupils, teachers and
25 other educational personnel and members of the general public. *The*
26 *State Public Charter School Authority shall update such*
27 *information annually.*

28 **Sec. 36.** NRS 386.549 is hereby amended to read as follows:

29 386.549 1. The governing body of a charter school must
30 consist of:

31 (a) One member who is a teacher or other person licensed
32 pursuant to chapter 391 of NRS or who previously held such a
33 license and is retired, as long as his or her license was held in good
34 standing.

35 (b) One member who:

36 (1) Satisfies the qualifications of paragraph (a); or

37 (2) Is a school administrator with a license issued by another
38 state or who previously held such a license and is retired, as long as
39 his or her license was held in good standing.

40 (c) One parent or legal guardian of a pupil enrolled in the charter
41 school who is not a teacher or an administrator at the charter school.

42 (d) Two members who possess knowledge and experience in
43 one or more of the following areas:

44 (1) Accounting;

45 (2) Financial services;



- 1 (3) Law; or
2 (4) Human resources.
- 3 2. In addition to the members who serve pursuant to subsection
4 1, the governing body of a charter school may include, without
5 limitation, parents and representatives of nonprofit organizations
6 and businesses. Not more than two persons who serve on the
7 governing body may represent the same organization or business or
8 otherwise represent the interests of the same organization or
9 business. A majority of the members of the governing body must
10 reside in this State. If the membership of the governing body
11 changes, the governing body shall provide written notice to the
12 sponsor of the charter school within 10 working days after such
13 change.
- 14 3. A person may serve on the governing body only if the
15 person submits an affidavit to the sponsor of the charter school
16 indicating that the person:
- 17 (a) Has not been convicted of a felony relating to serving on the
18 governing body of a charter school or any offense involving moral
19 turpitude.
- 20 (b) Has *received training or* read and understands material
21 concerning the roles and responsibilities of members of governing
22 bodies of charter schools and other *training and* material designed
23 to assist the governing bodies of charter schools, if such *training*
24 *and* material is provided to the person by the sponsor ~~or~~ *or an*
25 *application to form a charter school or amend a written charter or*
26 *charter contract provided that the member would receive such*
27 *training or read and understand such material.*
- 28 (c) *Complies with the requirements of section 7 of this act.*
- 29 4. The governing body of a charter school is a public body. It is
30 hereby given such reasonable and necessary powers, not conflicting
31 with the Constitution and the laws of the State of Nevada, as may be
32 requisite to attain the ends for which the charter school is
33 established and to promote the welfare of pupils who are enrolled in
34 the charter school.
- 35 5. The governing body of a charter school shall, during each
36 calendar quarter, hold at least one regularly scheduled public
37 meeting in the county in which ~~the charter school~~ *a facility*
38 *operated by the charter school where pupils receive instruction* is
39 located. Upon an affirmative vote of a majority of the membership
40 of the governing body, each member is entitled to receive a salary of
41 not more than \$80 for attendance at each meeting, as fixed by the
42 governing body, not to exceed payment for more than one meeting
43 per month.
- 44 6. As used in subsection 1, “teacher” means a person who:



1 (a) Holds a current license to teach issued pursuant to chapter
2 391 of NRS or who previously held such a license and is retired, as
3 long as his or her license was held in good standing; and

4 (b) Has at least 2 years of experience as an employed teacher.

5 ➔ The term does not include a person who is employed as a
6 substitute teacher.

7 **Sec. 37.** NRS 386.549 is hereby amended to read as follows:

8 386.549 1. The governing body of a charter school must
9 consist of:

10 (a) One member who is a teacher or other person licensed
11 pursuant to chapter 391 of NRS or who previously held such a
12 license and is retired, as long as his or her license was held in good
13 standing.

14 (b) One member who:

15 (1) Satisfies the qualifications of paragraph (a); or

16 (2) Is a school administrator with a license issued by another
17 state or who previously held such a license and is retired, as long as
18 his or her license was held in good standing.

19 (c) One parent or legal guardian of a pupil enrolled in the charter
20 school who is not a teacher or an administrator at the charter school.

21 (d) Two members who possess knowledge and experience in
22 one or more of the following areas:

23 (1) Accounting;

24 (2) Financial services;

25 (3) Law; or

26 (4) Human resources.

27 2. In addition to the members who serve pursuant to subsection
28 1, the governing body of a charter school may include, without
29 limitation, parents and representatives of nonprofit organizations
30 and businesses. Not more than two persons who serve on the
31 governing body may represent the same organization or business or
32 otherwise represent the interests of the same organization or
33 business. A majority of the members of the governing body must
34 reside in this State. If the membership of the governing body
35 changes, the governing body shall provide written notice to the
36 sponsor of the charter school within 10 working days after such
37 change.

38 3. A person may serve on the governing body only if the
39 person submits an affidavit to the sponsor of the charter school
40 indicating that the person:

41 (a) Has not been convicted of a felony relating to serving on the
42 governing body of a charter school or any offense involving moral
43 turpitude.

44 (b) Has received training or read and understands material
45 concerning the roles and responsibilities of members of governing



1 bodies of charter schools and other training and material designed to
2 assist the governing bodies of charter schools, if such training and
3 material is provided to the person by the sponsor or an application to
4 form a charter school or amend ~~[a written charter or]~~ charter
5 contract provided that the member would receive such training or
6 read and understand such material.

7 (c) Complies with the requirements of section 7 of this act.

8 4. The governing body of a charter school is a public body. It is
9 hereby given such reasonable and necessary powers, not conflicting
10 with the Constitution and the laws of the State of Nevada, as may be
11 requisite to attain the ends for which the charter school is
12 established and to promote the welfare of pupils who are enrolled in
13 the charter school.

14 5. The governing body of a charter school shall, during each
15 calendar quarter, hold at least one regularly scheduled public
16 meeting in the county in which a facility operated by the charter
17 school where pupils receive instruction is located. Upon an
18 affirmative vote of a majority of the membership of the governing
19 body, each member is entitled to receive a salary of not more than
20 \$80 for attendance at each meeting, as fixed by the governing body,
21 not to exceed payment for more than one meeting per month.

22 6. As used in subsection 1, "teacher" means a person who:

23 (a) Holds a current license to teach issued pursuant to chapter
24 391 of NRS or who previously held such a license and is retired, as
25 long as his or her license was held in good standing; and

26 (b) Has at least 2 years of experience as an employed teacher.

27 ➔ The term does not include a person who is employed as a
28 substitute teacher.

29 **Sec. 38.** NRS 386.550 is hereby amended to read as follows:

30 386.550 1. A charter school shall:

31 (a) Comply with all laws and regulations relating to
32 discrimination and civil rights.

33 (b) Remain nonsectarian, including, without limitation, in its
34 educational programs, policies for admission and employment
35 practices.

36 (c) Refrain from charging tuition or fees, *except for tuition or*
37 *fees that the board of trustees of a school district is authorized to*
38 *charge*, levying taxes or issuing bonds.

39 (d) Comply with any plan for desegregation ordered by a court
40 that is in effect in the school district in which the charter school is
41 located.

42 (e) Comply with the provisions of chapter 241 of NRS.

43 (f) Except as otherwise provided in this paragraph, schedule and
44 provide annually at least as many days of instruction as are required
45 of other public schools located in the same school district as the



1 charter school is located. The governing body of a charter school
2 may submit a written request to the Superintendent of Public
3 Instruction for a waiver from providing the days of instruction
4 required by this paragraph. The Superintendent of Public Instruction
5 may grant such a request if the governing body demonstrates to the
6 satisfaction of the Superintendent that:

7 (1) Extenuating circumstances exist to justify the waiver; and

8 (2) The charter school will provide at least as many hours or
9 minutes of instruction as would be provided under a program
10 consisting of 180 days.

11 (g) Cooperate with the board of trustees of the school district in
12 the administration of the examinations administered pursuant to
13 NRS 389.550 and, if the charter school enrolls pupils at a high
14 school grade level, the end-of-course examinations administered
15 pursuant to NRS 389.805 and the college and career readiness
16 assessment administered pursuant to NRS 389.807 to the pupils who
17 are enrolled in the charter school.

18 (h) Comply with applicable statutes and regulations governing
19 the achievement and proficiency of pupils in this State.

20 (i) Provide instruction in the core academic subjects set forth in
21 subsection 1 of NRS 389.018, as applicable for the grade levels of
22 pupils who are enrolled in the charter school, and provide at least
23 the courses of study that are required of pupils by statute or
24 regulation for promotion to the next grade or graduation from a
25 public high school and require the pupils who are enrolled in the
26 charter school to take those courses of study. This paragraph does
27 not preclude a charter school from offering, or requiring the pupils
28 who are enrolled in the charter school to take, other courses of study
29 that are required by statute or regulation.

30 (j) If the parent or legal guardian of a child submits an
31 application to enroll in kindergarten, first grade or second grade at
32 the charter school, comply with NRS 392.040 regarding the ages for
33 enrollment in those grades.

34 (k) Refrain from using public money to purchase real property
35 or buildings without the approval of the sponsor.

36 (l) Hold harmless, indemnify and defend the sponsor of the
37 charter school against any claim or liability arising from an act or
38 omission by the governing body of the charter school or an
39 employee or officer of the charter school. An action at law may not
40 be maintained against the sponsor of a charter school for any cause
41 of action for which the charter school has obtained liability
42 insurance.

43 (m) Provide written notice to the parents or legal guardians of
44 pupils in grades 9 to 12, inclusive, who are enrolled in the charter
45 school of whether the charter school is accredited by the



1 Commission on Schools of the Northwest Association of Schools
2 and of Colleges and Universities.

3 (n) Adopt a final budget in accordance with the regulations
4 adopted by the Department. A charter school is not required to adopt
5 a final budget pursuant to NRS 354.598 or otherwise comply with
6 the provisions of chapter 354 of NRS.

7 (o) If the charter school provides a program of distance
8 education pursuant to NRS 388.820 to 388.874, inclusive, comply
9 with all statutes and regulations that are applicable to a program of
10 distance education for purposes of the operation of the program.

11 2. A charter school shall not provide instruction through a
12 program of distance education to children who are exempt from
13 compulsory attendance authorized by the State Board pursuant to
14 subsection 1 of NRS 392.070. As used in this subsection, "distance
15 education" has the meaning ascribed to it in NRS 388.826.

16 **Sec. 39.** NRS 386.560 is hereby amended to read as follows:

17 386.560 1. The governing body of a charter school may
18 contract with the board of trustees of the school district in which the
19 charter school is located or in which a pupil enrolled in the charter
20 school resides or with the Nevada System of Higher Education for
21 the provision of facilities to operate the charter school or to perform
22 any service relating to the operation of the charter school, including,
23 without limitation, transportation, the provision of health services
24 for the pupils who are enrolled in the charter school and the
25 provision of school police officers. If the board of trustees of a
26 school district or a college or university within the Nevada System
27 of Higher Education is the sponsor of the charter school, the
28 governing body and the sponsor must enter into a service agreement
29 pursuant to NRS 386.561 before the provision of such services. *If*
30 *the board of trustees of a school district provides services to a*
31 *charter school pursuant to this section, it shall not charge more*
32 *than its cost for providing such services determined on a cost per*
33 *pupil basis.*

34 2. A charter school may use any public facility located within
35 the school district in which the charter school is located. A charter
36 school may use school buildings owned by the school district only
37 upon approval of the board of trustees of the school district and
38 during times that are not regular school hours.

39 3. The board of trustees of a school district may donate surplus
40 personal property of the school district to a charter school that is
41 located within the school district.

42 4. A charter school may:

43 (a) Acquire by construction, purchase, devise, gift, exchange or
44 lease, or any combination of those methods, and construct,
45 reconstruct, improve, maintain, equip and furnish any building,



1 structure or property to be used for any of its educational purposes
2 and the related appurtenances, easements, rights-of-way,
3 improvements, paving, utilities, landscaping, parking facilities and
4 lands;

5 (b) Mortgage, pledge or otherwise encumber all or any part of
6 its property or assets;

7 (c) Borrow money and otherwise incur indebtedness; and

8 (d) Use public money to purchase real property or buildings
9 with the approval of the sponsor.

10 5. Except as otherwise provided in this subsection, upon the
11 request of a parent or legal guardian of a pupil who is enrolled in a
12 charter school, the board of trustees of the school district in which
13 the pupil resides shall authorize the pupil to participate in a class
14 that is not available to the pupil at the charter school or participate in
15 an extracurricular activity, excluding sports, at a public school
16 within the school district if:

17 (a) Space for the pupil in the class or extracurricular activity is
18 available; and

19 (b) The parent or legal guardian demonstrates to the satisfaction
20 of the board of trustees that the pupil is qualified to participate in the
21 class or extracurricular activity.

22 ➔ If the board of trustees of a school district authorizes a pupil to
23 participate in a class or extracurricular activity, excluding sports,
24 pursuant to this subsection, the board of trustees is not required to
25 provide transportation for the pupil to attend the class or activity.
26 The provisions of this subsection do not apply to a pupil who is
27 enrolled in a charter school and who desires to participate on a part-
28 time basis in a program of distance education provided by the board
29 of trustees of a school district pursuant to NRS 388.820 to 388.874,
30 inclusive. Such a pupil must comply with NRS 388.858.

31 6. Upon the request of a parent or legal guardian of a pupil who
32 is enrolled in a charter school, the board of trustees of the school
33 district in which the pupil resides shall authorize the pupil to
34 participate in sports at the public school that he or she would
35 otherwise be required to attend within the school district, or upon
36 approval of the board of trustees, any public school within the same
37 zone of attendance as the charter school if:

38 (a) Space is available for the pupil to participate; and

39 (b) The parent or legal guardian demonstrates to the satisfaction
40 of the board of trustees that the pupil is qualified to participate.

41 ➔ If the board of trustees of a school district authorizes a pupil to
42 participate in sports pursuant to this subsection, the board of trustees
43 is not required to provide transportation for the pupil to participate

44 ***⚡ unless there is space available on the transportation provided***
45 ***by the board of trustees and the parent of the pupil or the charter***



1 *school makes arrangements for the pupil to be at a designated*
2 *place to be picked up at a designated time.*

3 7. The board of trustees of a school district may revoke its
4 approval for a pupil to participate in a class, extracurricular activity
5 or sports at a public school pursuant to subsections 5 and 6 if the
6 board of trustees or the public school determines that the pupil has
7 failed to comply with applicable statutes, or applicable rules and
8 regulations of the board of trustees, the public school or the Nevada
9 Interscholastic Activities Association. If the board of trustees so
10 revokes its approval, neither the board of trustees nor the public
11 school is liable for any damages relating to the denial of services to
12 the pupil.

13 **Sec. 40.** NRS 386.562 is hereby amended to read as follows:

14 386.562 1. A contract or a proposed contract between a
15 charter school or a proposed charter school and a contractor or an
16 educational management organization must not:

17 (a) Give to the contractor or educational management
18 organization direct control of educational services, financial
19 decisions, the appointment of members of the governing body, or
20 the hiring and dismissal of an administrator or financial officer of
21 the charter school or proposed charter school;

22 (b) Authorize the payment of loans, advances or other monetary
23 charges from the contractor or educational management
24 organization which are greater than 15 percent of the total expected
25 funding received by the charter school or proposed charter school
26 from the State Distributive School Account;

27 (c) Require the charter school or proposed charter school to
28 prepay any fees to the contractor or educational management
29 organization;

30 (d) Require the charter school or proposed charter school to pay
31 the contractor or educational management organization before the
32 payment of other obligations of the charter school or proposed
33 charter school during a period of financial distress;

34 (e) Allow a contractor or educational management organization
35 to cause a delay in the repayment of a loan or other money advanced
36 by the contractor or educational management organization to the
37 charter school or proposed charter school, which delay would
38 increase the cost to the charter school or proposed charter school of
39 repaying the loan or advance;

40 (f) Require the charter school or proposed charter school to
41 enroll a minimum number of pupils for the continuation of the
42 contract between the charter school or proposed charter school and
43 the contractor or educational management organization;

44 (g) Require the charter school or proposed charter school to
45 request or borrow money from this State to pay the contractor or



1 educational management organization if the contractor or
2 educational management organization will provide financial
3 management to the charter school or proposed charter school;

4 (h) Contain a provision which restricts the ability of the charter
5 school or proposed charter school to borrow money from a person or
6 entity other than the contractor or educational management
7 organization;

8 (i) Provide for the allocation to the charter school or proposed
9 charter school of any indirect cost incurred by the contractor or
10 educational management organization;

11 (j) Authorize the payment of fees to the contractor or
12 educational management organization which are not attributable to
13 the actual services provided by the contractor or educational
14 management organization;

15 (k) Allow any money received by the charter school or proposed
16 charter school from this State or from the board of trustees of a
17 school district to be transferred to or deposited in a bank, credit
18 union or other financial institution outside this State, including
19 money controlled by the contractor or educational management
20 organization; ~~for~~

21 (l) Except as otherwise provided in this paragraph, provide
22 incentive fees to the contractor or educational management
23 organization. A contract or a proposed contract may provide to the
24 contractor or educational management organization incentive fees
25 that are based on the academic improvement of pupils enrolled in
26 the charter school ~~for~~ ;

27 *(m) Require automatic renewal of the contract or provide that*
28 *the contract remains in effect if the governing body of a charter*
29 *school is reconstituted, a written charter is revoked or a charter*
30 *contract is terminated pursuant to NRS 386.535 or 386.5351;*

31 *(n) Contain any provision that would delay or prevent the*
32 *approval of an application by the governing body of the charter*
33 *school for an exemption from federal taxation pursuant to 26*
34 *U.S.C. § 501(c)(3);*

35 *(o) Require the governing body of the charter school to pay*
36 *any costs associated with ensuring that services comply with state*
37 *and federal law;*

38 *(p) Provide that the contractor or educational management*
39 *organization is not liable for failing to comply with the*
40 *requirements of the contract; or*

41 *(q) Provide for the enforcement of terms of the contract that*
42 *conflict with an applicable written charter, charter contract or*
43 *federal or state law.*

44 2. As used in this section, “contractor” or “educational
45 management organization” means a corporation, business,



1 organization or other entity, whether or not conducted for profit,
2 with whom a committee to form a charter school or the governing
3 body of a charter school, as applicable, contracts to assist with the
4 operation, management or provision and implementation of
5 educational services and programs of the charter school or proposed
6 charter school. The term includes a corporation, business,
7 organization or other entity that directly employs and provides
8 personnel to a charter school or proposed charter school.

9 **Sec. 41.** NRS 386.562 is hereby amended to read as follows:

10 386.562 1. A contract or a proposed contract between a
11 charter school or a proposed charter school and a contractor or an
12 educational management organization must not:

13 (a) Give to the contractor or educational management
14 organization direct control of educational services, financial
15 decisions, the appointment of members of the governing body, or
16 the hiring and dismissal of an administrator or financial officer of
17 the charter school or proposed charter school;

18 (b) Authorize the payment of loans, advances or other monetary
19 charges from the contractor or educational management
20 organization which are greater than 15 percent of the total expected
21 funding received by the charter school or proposed charter school
22 from the State Distributive School Account;

23 (c) Require the charter school or proposed charter school to
24 prepay any fees to the contractor or educational management
25 organization;

26 (d) Require the charter school or proposed charter school to pay
27 the contractor or educational management organization before the
28 payment of other obligations of the charter school or proposed
29 charter school during a period of financial distress;

30 (e) Allow a contractor or educational management organization
31 to cause a delay in the repayment of a loan or other money advanced
32 by the contractor or educational management organization to the
33 charter school or proposed charter school, which delay would
34 increase the cost to the charter school or proposed charter school of
35 repaying the loan or advance;

36 (f) Require the charter school or proposed charter school to
37 enroll a minimum number of pupils for the continuation of the
38 contract between the charter school or proposed charter school and
39 the contractor or educational management organization;

40 (g) Require the charter school or proposed charter school to
41 request or borrow money from this State to pay the contractor or
42 educational management organization if the contractor or
43 educational management organization will provide financial
44 management to the charter school or proposed charter school;



1 (h) Contain a provision which restricts the ability of the charter
2 school or proposed charter school to borrow money from a person or
3 entity other than the contractor or educational management
4 organization;

5 (i) Provide for the allocation to the charter school or proposed
6 charter school of any indirect cost incurred by the contractor or
7 educational management organization;

8 (j) Authorize the payment of fees to the contractor or
9 educational management organization which are not attributable to
10 the actual services provided by the contractor or educational
11 management organization;

12 (k) Allow any money received by the charter school or proposed
13 charter school from this State or from the board of trustees of a
14 school district to be transferred to or deposited in a bank, credit
15 union or other financial institution outside this State, including
16 money controlled by the contractor or educational management
17 organization;

18 (l) Except as otherwise provided in this paragraph, provide
19 incentive fees to the contractor or educational management
20 organization. A contract or a proposed contract may provide to the
21 contractor or educational management organization incentive fees
22 that are based on the academic improvement of pupils enrolled in
23 the charter school;

24 (m) Require automatic renewal of the contract or provide that
25 the contract remains in effect if the governing body of a charter
26 school is reconstituted ~~[, a written charter is revoked]~~ or a charter
27 contract is terminated pursuant to NRS 386.535 or 386.5351;

28 (n) Contain any provision that would delay or prevent the
29 approval of an application by the governing body of the charter
30 school for an exemption from federal taxation pursuant to 26 U.S.C.
31 § 501 (c)(3);

32 (o) Require the governing body of the charter school to pay any
33 costs associated with ensuring that services comply with state and
34 federal law;

35 (p) Provide that the contractor or educational management
36 organization is not liable for failing to comply with the requirements
37 of the contract; or

38 (q) Provide for the enforcement of terms of the contract that
39 conflict with an applicable ~~[written charter.]~~ charter contract or
40 federal or state law.

41 2. As used in this section, "contractor" or "educational
42 management organization" means a corporation, business,
43 organization or other entity, whether or not conducted for profit,
44 with whom a committee to form a charter school or the governing
45 body of a charter school, as applicable, contracts to assist with the



1 operation, management or provision and implementation of
2 educational services and programs of the charter school or proposed
3 charter school. The term includes a corporation, business,
4 organization or other entity that directly employs and provides
5 personnel to a charter school or proposed charter school.

6 **Sec. 42.** NRS 386.577 is hereby amended to read as follows:

7 386.577 1. After deducting the costs directly related to
8 administering the Account for Charter Schools, the State Public
9 Charter School Authority may use the money in the Account for
10 Charter Schools, including repayments of principal and interest on
11 loans made from the Account, and interest and income earned on
12 money in the Account, only to make loans at or below market rate to
13 charter schools for the costs ~~{incurred:}~~ *identified in the loan*
14 *application for use:*

15 (a) In preparing a charter school to commence its first year of
16 operation; ~~{and}~~

17 (b) To improve a charter school that has been in operation ~~{}~~ ;
18 *and*

19 *(c) To fund recruitment of teachers and pupils to new charter*
20 *school facilities and enrollment of pupils in such facilities.*

21 2. The total amount of a loan that may be made to a charter
22 school pursuant to subsection 1 must not exceed the lesser of an
23 amount equal to \$500 per pupil enrolled or to be enrolled at the
24 charter school or \$200,000.

25 **Sec. 43.** NRS 386.578 is hereby amended to read as follows:

26 386.578 1. If the governing body of a charter school has a
27 written charter issued or a charter contract executed pursuant to
28 NRS 386.527, the governing body may submit an application to the
29 State Public Charter School Authority for a loan from the Account
30 for Charter Schools. An application must include a written
31 description of the manner in which the loan will be used to prepare
32 the charter school for its first year of operation or to improve a
33 charter school that has been in operation.

34 2. The State Public Charter School Authority shall, within the
35 limits of money available for use in the Account, make loans to
36 charter schools whose applications have been approved. If the State
37 Public Charter School Authority makes a loan from the Account, the
38 State Public Charter School Authority shall ensure that the contract
39 for the loan includes all terms and conditions for repayment of the
40 loan.

41 3. The State ~~{Board:}~~ *Public Charter School Authority:*

42 (a) Shall adopt regulations that prescribe the:

43 (1) Annual deadline for submission of an application to the
44 State Public Charter School Authority by a charter school that
45 desires to receive a loan from the Account; and



1 (2) Period for repayment and the rate of interest for loans
2 made from the Account.

3 (b) May adopt such other regulations as it deems necessary to
4 carry out the provisions of this section and NRS 386.576 and
5 386.577.

6 **Sec. 44.** NRS 386.580 is hereby amended to read as follows:

7 386.580 1. An application for enrollment in a charter school
8 may be submitted to the governing body of the charter school by the
9 parent or legal guardian of any child who resides in this State.
10 Except as otherwise provided in this subsection, ~~and~~ subsection 2
11 ~~and section 6 of this act~~, a charter school shall enroll pupils who
12 are eligible for enrollment in the order in which the applications are
13 received. If the board of trustees of the school district in which the
14 charter school is located has established zones of attendance
15 pursuant to NRS 388.040, the charter school shall, if practicable,
16 ensure that the racial composition of pupils enrolled in the charter
17 school does not differ by more than 10 percent from the racial
18 composition of pupils who attend public schools in the zone in
19 which the charter school is located. If a charter school is sponsored
20 by the board of trustees of a school district located in a county
21 whose population is 100,000 or more, except for a program of
22 distance education provided by the charter school, the charter school
23 shall enroll pupils who are eligible for enrollment who reside in the
24 school district in which the charter school is located before enrolling
25 pupils who reside outside the school district. Except as otherwise
26 provided in subsection 2, if more pupils who are eligible for
27 enrollment apply for enrollment in the charter school than the
28 number of spaces which are available, the charter school shall
29 determine which applicants to enroll pursuant to this subsection on
30 the basis of a lottery system.

31 2. Before a charter school enrolls pupils who are eligible for
32 enrollment, a charter school may enroll a child who:

33 (a) Is a sibling of a pupil who is currently enrolled in the charter
34 school;

35 (b) Was enrolled, free of charge and on the basis of a lottery
36 system, in a prekindergarten program at the charter school or any
37 other early childhood educational program affiliated with the charter
38 school;

39 (c) Is a child of a person who is:

40 (1) Employed by the charter school;

41 (2) A member of the committee to form the charter school; or

42 (3) A member of the governing body of the charter school;

43 (d) Is in a particular category of at-risk pupils and the child
44 meets the eligibility for enrollment prescribed by the charter school
45 for that particular category; or



1 (e) Resides within the school district and within 2 miles of the
2 charter school if the charter school is located in an area that the
3 sponsor of the charter school determines includes a high percentage
4 of children who are at risk. If space is available after the charter
5 school enrolls pupils pursuant to this paragraph, the charter school
6 may enroll children who reside outside the school district but within
7 2 miles of the charter school if the charter school is located within
8 an area that the sponsor determines includes a high percentage of
9 children who are at risk.

10 ↪ If more pupils described in this subsection who are eligible apply
11 for enrollment than the number of spaces available, the charter
12 school shall determine which applicants to enroll pursuant to this
13 subsection on the basis of a lottery system.

14 3. Except as otherwise provided in subsection 8, a charter
15 school shall not accept applications for enrollment in the charter
16 school or otherwise discriminate based on the:

- 17 (a) Race;
- 18 (b) Gender;
- 19 (c) Religion;
- 20 (d) Ethnicity; or
- 21 (e) Disability,

22 ↪ of a pupil.

23 4. If the governing body of a charter school determines that the
24 charter school is unable to provide an appropriate special education
25 program and related services for a particular disability of a pupil
26 who is enrolled in the charter school, the governing body may
27 request that the board of trustees of the school district of the county
28 in which the pupil resides transfer that pupil to an appropriate
29 school.

30 5. Except as otherwise provided in this subsection, upon the
31 request of a parent or legal guardian of a child who is enrolled in a
32 public school of a school district or a private school, or a parent or
33 legal guardian of a homeschooled child, the governing body of the
34 charter school shall authorize the child to participate in a class that
35 is not otherwise available to the child at his or her school or
36 homeschool or participate in an extracurricular activity at the charter
37 school if:

38 (a) Space for the child in the class or extracurricular activity is
39 available;

40 (b) The parent or legal guardian demonstrates to the satisfaction
41 of the governing body that the child is qualified to participate in the
42 class or extracurricular activity; and

43 (c) The child is a homeschooled child and a notice of intent of a
44 homeschooled child to participate in programs and activities is filed



1 for the child with the school district in which the child resides for
2 the current school year pursuant to NRS 392.705.

3 ➤ If the governing body of a charter school authorizes a child to
4 participate in a class or extracurricular activity pursuant to this
5 subsection, the governing body is not required to provide
6 transportation for the child to attend the class or activity. A charter
7 school shall not authorize such a child to participate in a class or
8 activity through a program of distance education provided by the
9 charter school pursuant to NRS 388.820 to 388.874, inclusive.

10 6. The governing body of a charter school may revoke its
11 approval for a child to participate in a class or extracurricular
12 activity at a charter school pursuant to subsection 5 if the governing
13 body determines that the child has failed to comply with applicable
14 statutes, or applicable rules and regulations. If the governing body
15 so revokes its approval, neither the governing body nor the charter
16 school is liable for any damages relating to the denial of services to
17 the child.

18 7. The governing body of a charter school may, before
19 authorizing a homeschooled child to participate in a class or
20 extracurricular activity pursuant to subsection 5, require proof of the
21 identity of the child, including, without limitation, the birth
22 certificate of the child or other documentation sufficient to establish
23 the identity of the child.

24 8. This section does not preclude the formation of a charter
25 school that is dedicated to provide educational services exclusively
26 to pupils:

27 (a) With disabilities;

28 (b) Who pose such severe disciplinary problems that they
29 warrant a specific educational program, including, without
30 limitation, a charter school specifically designed to serve a single
31 gender that emphasizes personal responsibility and rehabilitation; or

32 (c) Who are at risk.

33 ➤ If more eligible pupils apply for enrollment in such a charter
34 school than the number of spaces which are available, the charter
35 school shall determine which applicants to enroll pursuant to this
36 subsection on the basis of a lottery system.

37 **Sec. 45.** NRS 386.584 is hereby amended to read as follows:

38 386.584 1. If a charter school provides instruction to pupils
39 enrolled in a high school grade level and the charter school requires
40 those pupils to satisfy requirements for graduation from high school
41 that are less than the requirements imposed by the school district in
42 which the charter school is located, the charter school shall not issue
43 a high school diploma of the school district but may issue a high
44 school diploma which clearly indicates that it is a diploma issued by
45 a charter school. If a charter school requires its pupils to satisfy



1 requirements for graduation from high school that meet or exceed
2 the requirements of the school district in which the charter school is
3 located, the charter school may issue a high school diploma of the
4 school district or a high school diploma of the charter school.

5 2. A charter school shall submit the form for a diploma of the
6 charter school to the Department for approval if the form differs
7 from the form of the school district in which the charter school is
8 located.

9 3. The provisions of this section do not ~~authorize~~ :

10 (a) *Authorize* a charter school to impose requirements for
11 graduation from high school that are less than the requirements of
12 the applicable state statutes and regulations.

13 (b) *Require a charter school that imposes requirements for*
14 *graduation from high school that are more stringent than the*
15 *requirements of applicable state statutes and regulations and more*
16 *stringent than the requirements of the school district in which the*
17 *charter school is located to issue a high school diploma to a pupil*
18 *who has not met the requirements for graduation from the charter*
19 *school even if the pupil has met the requirements of applicable*
20 *state statutes and regulations or the requirements of the school*
21 *district in which the charter school is located.*

22 **Sec. 46.** NRS 386.585 is hereby amended to read as follows:

23 386.585 1. A governing body of a charter school shall adopt:

24 (a) Written rules of behavior required of and prohibited for
25 pupils attending the charter school; and

26 (b) Appropriate punishments for violations of the rules.

27 2. Except as otherwise provided in subsection 3, if suspension
28 or expulsion of a pupil is used as a punishment for a violation of the
29 rules, the charter school shall ensure that, before the suspension or
30 expulsion, the pupil *and, if the pupil is under 18 years of age, the*
31 *parent or guardian of the pupil*, has been given notice of the
32 charges against him or her, an explanation of the evidence and an
33 opportunity for a hearing. The provisions of chapter 241 of NRS do
34 not apply to any hearing conducted pursuant to this section. Such a
35 hearing must be closed to the public.

36 3. A pupil who poses a continuing danger to persons or
37 property or an ongoing threat of disrupting the academic process or
38 who is selling or distributing any controlled substance or who is
39 found to be in possession of a dangerous weapon as provided in
40 NRS 392.466 may be removed from the charter school immediately
41 upon being given an explanation of the reasons for his or her
42 removal and pending proceedings, which must be conducted as soon
43 as practicable after removal, for suspension or expulsion of the
44 pupil.



1 4. A pupil who is enrolled in a charter school and participating
2 in a program of special education pursuant to NRS 388.520, other
3 than a pupil who is gifted and talented or who receives early
4 intervening services, may, in accordance with the procedural policy
5 adopted by the governing body of the charter school for such
6 matters, be:

7 (a) Suspended from the charter school pursuant to this section
8 for not more than 10 days.

9 (b) Suspended from the charter school for more than 10 days or
10 permanently expelled from school pursuant to this section only after
11 the governing body has reviewed the circumstances and determined
12 that the action is in compliance with the Individuals with
13 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

14 5. A copy of the rules of behavior, prescribed punishments and
15 procedures to be followed in imposing punishments must be:

16 (a) Distributed to each pupil at the beginning of the school year
17 and to each new pupil who enters school during the year.

18 (b) Available for public inspection at the charter school.

19 6. The governing body of a charter school may adopt rules
20 relating to the truancy of pupils who are enrolled in the charter
21 school if the rules are at least as restrictive as the provisions
22 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If
23 a governing body adopts rules governing truancy, it shall include the
24 rules in the written rules adopted by the governing body pursuant to
25 subsection 1.

26 **Sec. 47.** NRS 386.590 is hereby amended to read as follows:

27 386.590 1. Except as otherwise provided in this subsection,
28 ~~[at least 70 percent of the teachers]~~ *each teacher* who ~~[provide]~~
29 *provides* instruction at a charter school must be ~~[licensed teachers.]~~
30 *highly qualified*. If a charter school is a vocational school, the
31 charter school shall, to the extent practicable, ensure that ~~[at least 70~~
32 ~~percent of the teachers]~~ *each teacher* who ~~[provide]~~ *provides*
33 instruction at the school ~~[are licensed teachers,]~~ *is highly qualified*,
34 but in no event may ~~[more]~~ *less* than 50 percent of the teachers who
35 provide instruction at the school be ~~[unlicensed teachers]~~.

36 ~~—2. A governing body of a charter school shall employ:~~

37 ~~—(a) If the charter school offers instruction in kindergarten or~~
38 ~~grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who~~
39 ~~are enrolled in those grades. If required by subsection 3 or 4, such a~~
40 ~~teacher must possess the qualifications required by 20 U.S.C. §~~
41 ~~6319(a).~~

42 ~~—(b) If the charter school offers instruction in grade 9, 10, 11 or~~
43 ~~12, a licensed teacher to teach pupils who are enrolled in those~~
44 ~~grades for the subjects set forth in subsection 4. If required by~~



1 ~~subsection 3 or 4, such a teacher must possess the qualifications~~
2 ~~required by 20 U.S.C. § 6319(a).~~

3 ~~—(c) In addition to the requirements of paragraphs (a) and (b):~~

4 ~~—(1) **highly qualified.**~~

5 2. If a *vocational* charter school specializes in arts and
6 humanities, physical education or health education, a ~~licensed~~
7 teacher **must be highly qualified** to teach those courses of study.

8 ~~(2)~~ 3. If a *vocational* charter school specializes in the
9 construction industry or *any* other building industry, ~~licensed~~
10 teachers **must be highly qualified** to teach courses of study relating
11 to the industry if those teachers are employed full-time.

12 ~~(3)~~ 4. If a *vocational* charter school specializes in the
13 construction industry or other building industry and the school
14 offers courses of study in computer education, technology or
15 business, ~~licensed~~ teachers **must be highly qualified** to teach those
16 courses of study if those teachers are employed full-time.

17 ~~(3)~~ 5. A person who is initially hired by the governing body
18 of a charter school on or after January 8, 2002, to teach in a program
19 supported with money from Title I must ~~possess the qualifications~~
20 ~~required by 20 U.S.C. § 6319(a).~~ **be highly qualified.** For the
21 purposes of this subsection, a person is not “initially hired” if the
22 person has been employed as a teacher by another school district or
23 charter school in this State without an interruption in employment
24 before the date of hire by his or her current employer.

25 ~~(4)~~ 6. A teacher who is employed by a charter school,
26 regardless of the date of hire, must, on or before July 1, 2006,
27 ~~possess the qualifications required by 20 U.S.C. § 6319(a)~~ **be**
28 **highly qualified** if the teacher teaches one or more of the following
29 subjects:

- 30 (a) English, reading or language arts;
- 31 (b) Mathematics;
- 32 (c) Science;
- 33 (d) Foreign language;
- 34 (e) Civics or government;
- 35 (f) Economics;
- 36 (g) Geography;
- 37 (h) History; or
- 38 (i) The arts.

39 ~~(5) Except as otherwise provided in NRS 386.588, a charter~~
40 ~~school may employ a person who is not licensed pursuant to the~~
41 ~~provisions of chapter 391 of NRS to teach a course of study for~~
42 ~~which a licensed teacher is not required pursuant to subsections 2, 3~~
43 ~~and 4 if the person has:~~

44 ~~—(a) A degree, a license or a certificate in the field for which the~~
45 ~~person is employed to teach at the charter school; and~~



1 ~~—(b) At least 2 years of experience in that field.~~

2 ~~—6.] 7.~~ Except as otherwise provided in NRS 386.588, a charter
3 school shall employ such administrators for the school as it deems
4 necessary. A person employed as an administrator must possess:

5 (a) A valid teacher's license issued pursuant to chapter 391 of
6 NRS with an administrative endorsement;

7 (b) A master's degree in school administration, public
8 administration or business administration; or

9 (c) At least 5 years of experience in school administration,
10 public administration or business administration and a baccalaureate
11 degree.

12 ~~[7.] 8.~~ Except as otherwise provided in subsection ~~[8.] 9,~~ the
13 portion of the salary or other compensation of an administrator
14 employed by a charter school that is derived from public funds must
15 not exceed the salary or other compensation, as applicable, of the
16 highest paid administrator in a comparable position in the school
17 district in which the charter school is located. For purposes of
18 determining the salary or other compensation of the highest paid
19 administrator in a comparable position in the school district, the
20 salary or other compensation of the superintendent of schools of that
21 school district must not be included in the determination.

22 ~~[8.] 9.~~ If the salary or other compensation paid to an
23 administrator employed by a charter school from public funds
24 exceeds the maximum amount prescribed in subsection ~~[7.] 8,~~ the
25 sponsor of the charter school shall conduct an audit of the salary or
26 compensation. The audit must include, without limitation, a review
27 of the reasons set forth by the governing body of the charter school
28 for the salary or other compensation and the interests of the public
29 in using public funds to pay that salary or compensation. If the
30 sponsor determines that the payment of the salary or other
31 compensation from public funds is justified, the sponsor shall
32 provide written documentation of its determination to the governing
33 body of the charter school and to the Department. If the sponsor
34 determines that the payment of the salary or other compensation
35 from public funds is not justified, the governing body of the charter
36 school shall reduce the salary or compensation paid to the
37 administrator from public funds to an amount not to exceed the
38 maximum amount prescribed in subsection ~~[7.] 8.~~

39 ~~[9.] 10.~~ A charter school shall not employ a person pursuant to
40 this section if the person's license to teach or provide other
41 educational services has been revoked or suspended in this State or
42 another state.

43 ~~[10.] 11.~~ On or before November 15 of each year, a charter
44 school shall submit to the Department, in a format prescribed by the
45 Superintendent of Public Instruction, the following information for



1 each person who is licensed pursuant to chapter 391 of NRS and
2 who is employed by the governing body on October 1 of that year:

3 (a) The amount of salary or compensation of the licensed
4 person, including, without limitation, verification of compliance
5 with subsection ~~7~~ 8, if applicable to that person; and

6 (b) The designated assignment, as that term is defined by the
7 Department, of the licensed person.

8 *12. As used in this section, "highly qualified" has the*
9 *meaning ascribed to it in 20 U.S.C. § 7801.*

10 **Sec. 48.** NRS 388.795 is hereby amended to read as follows:

11 388.795 1. The Commission shall establish a plan for the use
12 of educational technology in the public schools of this State. In
13 preparing the plan, the Commission shall consider:

14 (a) Plans that have been adopted by the Department and the
15 school districts *and charter schools* in this State;

16 (b) Plans that have been adopted in other states;

17 (c) The information reported pursuant to paragraph (v) of
18 subsection 2 of NRS 385.347 and similar information included in
19 the annual report of accountability information prepared by the State
20 Public Charter School Authority and a college or university within
21 the Nevada System of Higher Education that sponsors a charter
22 school pursuant to subsection 3 of NRS 385.347;

23 (d) The results of the assessment of needs conducted pursuant to
24 subsection 6; and

25 (e) Any other information that the Commission or the
26 Committee deems relevant to the preparation of the plan.

27 2. The plan established by the Commission must include
28 recommendations for methods to:

29 (a) Incorporate educational technology into the public schools of
30 this State;

31 (b) Increase the number of pupils in the public schools of this
32 State who have access to educational technology;

33 (c) Increase the availability of educational technology to assist
34 licensed teachers and other educational personnel in complying with
35 the requirements of continuing education, including, without
36 limitation, the receipt of credit for college courses completed
37 through the use of educational technology;

38 (d) Facilitate the exchange of ideas to improve the achievement
39 of pupils who are enrolled in the public schools of this State; and

40 (e) Address the needs of teachers in incorporating the use of
41 educational technology in the classroom, including, without
42 limitation, the completion of training that is sufficient to enable the
43 teachers to instruct pupils in the use of educational technology.

44 3. The Department shall provide:

45 (a) Administrative support;



1 (b) Equipment; and
2 (c) Office space,
3 → as is necessary for the Commission to carry out the provisions of
4 this section.

5 4. The following entities shall cooperate with the Commission
6 in carrying out the provisions of this section:

- 7 (a) The State Board.
- 8 (b) The board of trustees of each school district.
- 9 (c) The superintendent of schools of each school district.
- 10 (d) The Department.

11 5. The Commission shall:

12 (a) Develop technical standards for educational technology and
13 any electrical or structural appurtenances necessary thereto,
14 including, without limitation, uniform specifications for computer
15 hardware and wiring, to ensure that such technology is compatible,
16 uniform and can be interconnected throughout the public schools of
17 this State.

18 (b) Allocate money to the school districts from the Trust Fund
19 for Educational Technology created pursuant to NRS 388.800 and
20 any money appropriated by the Legislature for educational
21 technology, subject to any priorities for such allocation established
22 by the Legislature.

23 (c) Establish criteria for the board of trustees of a school district
24 that receives an allocation of money from the Commission to:

- 25 (1) Repair, replace and maintain computer systems.
- 26 (2) Upgrade and improve computer hardware and software
27 and other educational technology.
- 28 (3) Provide training, installation and technical support related
29 to the use of educational technology within the district.

30 (d) Submit to the Governor, the Committee and the Department
31 its plan for the use of educational technology in the public schools
32 of this State and any recommendations for legislation.

33 (e) Review the plan annually and make revisions as it deems
34 necessary or as directed by the Committee or the Department.

35 (f) In addition to the recommendations set forth in the plan
36 pursuant to subsection 2, make further recommendations to the
37 Committee and the Department as the Commission deems
38 necessary.

39 6. During the spring semester of each even-numbered school
40 year, the Commission shall conduct an assessment of the needs of
41 each school district relating to educational technology. In
42 conducting the assessment, the Commission shall consider:

43 (a) The recommendations set forth in the plan pursuant to
44 subsection 2;



1 (b) The plan for educational technology of each school district,
2 if applicable;

3 (c) Evaluations of educational technology conducted for the
4 State or for a school district, if applicable; and

5 (d) Any other information deemed relevant by the Commission.

6 ➔ The Commission shall submit a final written report of the
7 assessment to the Superintendent of Public Instruction on or before
8 April 1 of each even-numbered year.

9 7. The Superintendent of Public Instruction shall prepare a
10 written compilation of the results of the assessment conducted by
11 the Commission and transmit the written compilation on or before
12 June 1 of each even-numbered year to the Legislative Committee on
13 Education and to the Director of the Legislative Counsel Bureau for
14 transmission to the next regular session of the Legislature.

15 8. The Commission may appoint an advisory committee
16 composed of members of the Commission or other qualified persons
17 to provide recommendations to the Commission regarding standards
18 for the establishment, coordination and use of a telecommunications
19 network in the public schools throughout the various school districts
20 in this State. The advisory committee serves at the pleasure of the
21 Commission and without compensation unless an appropriation or
22 other money for that purpose is provided by the Legislature.

23 9. As used in this section, "public school" includes the Caliente
24 Youth Center, the Nevada Youth Training Center and any other
25 state facility for the detention of children that is operated pursuant to
26 title 5 of NRS.

27 **Sec. 49.** NRS 388.800 is hereby amended to read as follows:

28 388.800 1. The Trust Fund for Educational Technology is
29 hereby created in the State General Fund. The Trust Fund must be
30 administered by the Superintendent of Public Instruction. The
31 Superintendent may accept gifts and grants of money from any
32 source for deposit in the Trust Fund. Any such money may be
33 expended in accordance with the terms and conditions of the gift or
34 grant, or in accordance with subsection 3.

35 2. The interest and income earned on the money in the Trust
36 Fund must be credited to the Trust Fund.

37 3. The money in the Trust Fund may be used only for the
38 distribution of money to school districts *and charter schools* to be
39 used in kindergarten through 12th grade to obtain and maintain
40 hardware and software for computer systems, equipment for transfer
41 of data by modem through connection to telephone lines, and other
42 educational technology as may be approved by the Commission for
43 use in classrooms.



1 **Sec. 50.** NRS 388.805 is hereby amended to read as follows:
2 388.805 The Department shall, in consultation with the
3 Commission, adopt regulations that establish a program whereby
4 school districts *and charter schools* may apply to the Commission
5 on Educational Technology for money from the Trust Fund for
6 Educational Technology.

7 **Sec. 51.** NRS 391.170 is hereby amended to read as follows:
8 391.170 1. Except as otherwise provided in subsection 2, a
9 teacher or other employee for whom a license is required is not
10 entitled to receive any portion of public money for schools as
11 compensation for services rendered unless he or she:

12 (a) Is legally employed by the board of trustees of the school
13 district or the governing body of the charter school in which he or
14 she is teaching or performing other educational functions.

15 (b) Has a license authorizing him or her to teach or perform
16 other educational functions at the level and, except as otherwise
17 provided in NRS 391.125, in the field for which he or she is
18 employed, issued in accordance with law and in full force at the
19 time the services are rendered.

20 2. The provisions of subsection 1 do not prohibit the payment
21 of public money to teachers or other employees who are employed
22 by a charter school ~~[for whom a license is]~~ *who are* not required to
23 *be highly qualified* pursuant to the provisions of NRS 386.590.

24 3. *As used in this section, "highly qualified" has the meaning*
25 *ascribed to it in 20 U.S.C. § 7801.*

26 **Sec. 52.** NRS 288.150 is hereby amended to read as follows:

27 288.150 1. Except as provided in subsection 4, every local
28 government employer shall negotiate in good faith through one or
29 more representatives of its own choosing concerning the mandatory
30 subjects of bargaining set forth in subsection 2 with the designated
31 representatives of the recognized employee organization, if any, for
32 each appropriate bargaining unit among its employees. If either
33 party so requests, agreements reached must be reduced to writing.

34 2. The scope of mandatory bargaining is limited to:

35 (a) Salary or wage rates or other forms of direct monetary
36 compensation.

37 (b) Sick leave.

38 (c) Vacation leave.

39 (d) Holidays.

40 (e) Other paid or nonpaid leaves of absence.

41 (f) Insurance benefits.

42 (g) Total hours of work required of an employee on each
43 workday or workweek.

44 (h) Total number of days' work required of an employee in a
45 work year.



- 1 (i) ~~Discharge~~ *Except as otherwise provided in subsection 6,*
2 *discharge* and disciplinary procedures.
- 3 (j) Recognition clause.
- 4 (k) The method used to classify employees in the bargaining
5 unit.
- 6 (l) Deduction of dues for the recognized employee organization.
- 7 (m) Protection of employees in the bargaining unit from
8 discrimination because of participation in recognized employee
9 organizations consistent with the provisions of this chapter.
- 10 (n) No-strike provisions consistent with the provisions of this
11 chapter.
- 12 (o) Grievance and arbitration procedures for resolution of
13 disputes relating to interpretation or application of collective
14 bargaining agreements.
- 15 (p) General savings clauses.
- 16 (q) Duration of collective bargaining agreements.
- 17 (r) Safety of the employee.
- 18 (s) Teacher preparation time.
- 19 (t) Materials and supplies for classrooms.
- 20 (u) The policies for the transfer and reassignment of teachers.
- 21 (v) Procedures for reduction in workforce consistent with the
22 provisions of this chapter.
- 23 (w) Procedures and requirements for the reopening of collective
24 bargaining agreements that exceed 1 year in duration for additional,
25 further, new or supplementary negotiations during periods of fiscal
26 emergency. The requirements for the reopening of a collective
27 bargaining agreement must include, without limitation, measures of
28 revenue shortfalls or reductions relative to economic indicators such
29 as the Consumer Price Index, as agreed upon by both parties.
- 30 3. Those subject matters which are not within the scope of
31 mandatory bargaining and which are reserved to the local
32 government employer without negotiation include:
- 33 (a) Except as otherwise provided in paragraph (u) of subsection
34 2, the right to hire, direct, assign or transfer an employee, but
35 excluding the right to assign or transfer an employee as a form of
36 discipline.
- 37 (b) The right to reduce in force or lay off any employee because
38 of lack of work or lack of money, subject to paragraph (v) of
39 subsection 2.
- 40 (c) The right to determine:
- 41 (1) Appropriate staffing levels and work performance
42 standards, except for safety considerations;
- 43 (2) The content of the workday, including without limitation
44 workload factors, except for safety considerations;



1 (3) The quality and quantity of services to be offered to the
2 public; and

3 (4) The means and methods of offering those services.

4 (d) Safety of the public.

5 4. Notwithstanding the provisions of any collective bargaining
6 agreement negotiated pursuant to this chapter, a local government
7 employer is entitled to take whatever actions may be necessary to
8 carry out its responsibilities in situations of emergency such as a
9 riot, military action, natural disaster or civil disorder. Those actions
10 may include the suspension of any collective bargaining agreement
11 for the duration of the emergency. Any action taken under the
12 provisions of this subsection must not be construed as a failure to
13 negotiate in good faith.

14 5. The provisions of this chapter, including without limitation
15 the provisions of this section, recognize and declare the ultimate
16 right and responsibility of the local government employer to manage
17 its operation in the most efficient manner consistent with the best
18 interests of all its citizens, its taxpayers and its employees.

19 6. *If the sponsor of a charter school reconstitutes the*
20 *governing body of a charter school, the new governing body may*
21 *terminate the employment of any teachers or other employees of*
22 *the charter school, and any provision of any agreement negotiated*
23 *pursuant to this chapter that provides otherwise is unenforceable*
24 *and void.*

25 7. This section does not preclude, but this chapter does not
26 require, the local government employer to negotiate subject matters
27 enumerated in subsection 3 which are outside the scope of
28 mandatory bargaining. The local government employer shall discuss
29 subject matters outside the scope of mandatory bargaining but it is
30 not required to negotiate those matters.

31 ~~[7-]~~ 8. Contract provisions presently existing in signed and
32 ratified agreements as of May 15, 1975, at 12 p.m. remain
33 negotiable.

34 **Sec. 53.** Section 4 of this act is hereby amended to read as
35 follows:

36 Sec. 4. 1. The State Public Charter School Authority,
37 the board of trustees of the school district or a college or
38 university within the Nevada System of Higher Education as
39 applicable, which sponsors a charter school must hold a
40 public hearing concerning any request to amend ~~fa-written~~
41 ~~charter or~~ a charter contract of the charter school it sponsors
42 for the purpose of:

43 (a) Expanding the charter school to offer instruction in
44 grade levels for which the charter school does not already
45 offer instruction.



1 (b) Increasing the total enrollment of a charter school or
2 the enrollment of pupils in a particular grade level in the
3 charter school for a school year to more than 120 percent of
4 the enrollment prescribed in the ~~{written charter or}~~ charter
5 contract for that school year.

6 (c) Reducing the total enrollment of a charter school or
7 the enrollment of pupils in a particular grade level in the
8 charter school for a school year to less than 80 percent of the
9 enrollment prescribed in ~~{the written charter or}~~ charter
10 contract for that school year.

11 (d) Acquiring an additional facility in any county of this
12 State to expand the enrollment of the charter school.

13 (e) Consolidating the operations of multiple charter
14 schools pursuant to section 5 of this act.

15 (f) Any other type of amendment for which a public
16 hearing is required by regulation of the State Board.

17 2. A ~~{written charter or}~~ charter contract may not be
18 amended in any manner described in subsection 1 unless the
19 amendment is approved by the State Public Charter School
20 Authority, the board of trustees of the school district or a
21 college or university within the Nevada System of Higher
22 Education, as applicable.

23 3. The State Public Charter School Authority, the board
24 of trustees of the school district or a college or university
25 within the Nevada System of Higher Education, as applicable,
26 must deny a request to amend a ~~{written charter or}~~ charter
27 contract in the manner described in paragraphs (d) or (e) of
28 subsection 1 if the State Public Charter School Authority, the
29 board of trustees or a college or university within the Nevada
30 System of Higher Education, as applicable, determines that:

31 (a) The charter school is not meeting the requirements of
32 the performance framework concerning academics, finances
33 or operation established pursuant to NRS 386.528; or

34 (b) The governing body does not have a comprehensive
35 and feasible plan to operate additional facilities.

36 **Sec. 54.** Section 5 of this act is hereby amended to read as
37 follows:

38 Sec. 5. The sponsor of a charter school may approve an
39 amendment to ~~{a written charter or}~~ a charter contract to
40 consolidate the operations of two or more charter schools if:

41 1. The sponsor of a charter school for which ~~{a written
42 charter has been revoked or}~~ a charter contract has been
43 terminated has approved a request by the governing body of
44 the charter school requesting the amendment to negotiate with
45 the owner, mortgagor or lienholder of the facilities in which



1 the charter school has been operated for the purpose of
2 operating an additional campus of the other charter school
3 pursuant to section 6 of this act. If charter schools are
4 consolidated under such conditions, the academic, operational
5 and fiscal performance of the charter school ~~[whose written~~
6 ~~charter has been revoked or]~~ whose charter contract has been
7 terminated will not be attributed to the consolidated charter
8 school.

9 2. Two or more governing bodies submit a request for an
10 amendment to consolidate their charter contracts, governing
11 bodies and operations to form a single charter school
12 operating one or more campuses under a new charter contract.
13 If charter schools are consolidated under such conditions:

14 (a) The new charter contract will be in effect for the
15 duration of the term of the written charter or charter contract
16 which was closest to its date of expiration before
17 consolidation; and

18 (b) The academic, operational and fiscal performances of
19 all charter schools that have been consolidated will be
20 attributed to the consolidated charter school.

21 **Sec. 55.** Section 6 of this act is hereby amended to read as
22 follows:

23 Sec. 6. 1. If the sponsor of a charter school
24 reconstitutes the governing body of a charter school pursuant
25 to NRS 386.535 or 386.5351, the sponsor must appoint new
26 members to the governing body who meet the qualifications
27 for membership set forth in NRS 386.549. The sponsor may
28 reappoint any member of the previous governing body.
29 Before appointing new members to the governing body, the
30 sponsor must consider:

31 (a) Input from members of the community in which the
32 charter school is located and parents of pupils who attend the
33 charter school.

34 (b) Any relevant credentials, experience or other
35 qualifications of a potential member, including, without
36 limitation, whether the potential member resides in the
37 geographic area served by the charter school or has
38 experience in education.

39 2. If the sponsor of a charter school ~~[revokes a written~~
40 ~~charter or]~~ terminates a charter contract pursuant to 386.535
41 or 386.5351, the sponsor may:

42 (a) Petition the district court to appoint a receiver, to be
43 paid from the funds of the charter school, to oversee and
44 manage the charter school until other arrangements are made
45 for pupils who attend the school.



1 (b) Issue a request for proposals inviting the governing
2 body of another charter school to negotiate with the owner,
3 mortgagor or lienholder of the facilities in which the charter
4 school operated for the purpose of operating an additional
5 campus of the other charter school under the sponsorship of
6 either the sponsor of the charter school ~~{for which the written~~
7 ~~charter has been revoked or}~~ the charter contract has been
8 terminated or the sponsor of the charter school that intends to
9 operate an additional campus. If the governing body proposes
10 to operate an additional campus of the other charter school
11 under the sponsorship of:

12 (1) The sponsor of the charter school for which ~~{the~~
13 ~~written charter has been revoked or}~~ the charter contract has
14 been terminated and the sponsor is not the sponsor of the
15 charter school currently operated by the governing body, the
16 governing body must, before the additional campus begins
17 operating, also submit to the sponsor of the charter school
18 ~~{for which the written charter has been revoked or}~~ the charter
19 contract has been terminated and receive approval for an
20 application to form a charter school pursuant to
21 NRS 386.520.

22 (2) The sponsor of the charter school currently
23 operated by the governing body, the governing body must,
24 before the additional campus begins operating, also submit a
25 request for and receive approval of an amendment to its
26 ~~{written charter or}~~ charter contract to consolidate charter
27 schools pursuant to NRS 386.527 and sections 4 and 5 of this
28 act.

29 3. Before selecting a governing body to operate another
30 campus of an existing charter school to replace a charter
31 school ~~{whose written charter has been revoked or}~~ whose
32 charter contract has been terminated pursuant to subsection 2,
33 the sponsor must consider:

34 (a) The performance record of the charter school in this
35 State and other states;

36 (b) The plan of the governing body for improving pupil
37 achievement and school performance;

38 (c) The suitability of the proposed academic program for
39 pupils who were enrolled in the charter school before ~~{the~~
40 ~~revocation of the written charter or}~~ the termination of the
41 charter contract; and

42 (d) Input from members of the community in which the
43 charter school is located and parents who were enrolled in the
44 charter school before ~~{the revocation of the written charter or}~~



1 the termination of the charter contract, including, without
2 limitation, the input described in subsection 4.

3 4. A sponsor that solicits proposals to operate an
4 additional campus of an existing charter school shall allow
5 parents of pupils who were enrolled in the charter school
6 before ~~{the revocation of the written charter or}~~ the
7 termination of the charter contract to interview governing
8 bodies who submit proposals and, if three or more proposals
9 are submitted pursuant to paragraph (b) of subsection 2, cast
10 an advisory vote for the governing body they would prefer be
11 given the opportunity to operate the campus.

12 5. If a governing body is selected pursuant to this section
13 to operate another campus of an existing charter school to
14 replace a charter school ~~{whose written charter has been~~
15 ~~revoked or}~~ whose charter contract has been terminated and
16 any necessary amendments or applications are approved,
17 the charter school must enroll pupils who were enrolled in the
18 charter school ~~{whose written charter was revoked or}~~ whose
19 charter contract was terminated before enrolling other pupils.

20 6. If the sponsor of a charter school reconstitutes the
21 governing body of a charter school, the new governing body
22 may terminate the employment of any teachers or other
23 employees of the charter school.

24 7. If the sponsor of a charter school selects a governing
25 body to operate another campus of an existing charter school
26 to replace a charter school ~~{whose written charter has been~~
27 ~~revoked or}~~ whose charter contract has been terminated, the
28 new governing body is not required to offer employment to
29 any teacher or other employee of the charter school ~~{whose~~
30 ~~written charter has been revoked or}~~ whose charter contract
31 has been terminated.

32 **Sec. 56.** The provisions of NRS 288.150, as amended by
33 section 52 of this act:

34 1. Apply to any collective bargaining agreement entered into,
35 extended or renewed on or after January 1, 2020, and any provision
36 of the agreement that is in conflict with that section, as amended, is
37 void.

38 2. Do not apply to any collective bargaining agreement entered
39 into before January 1, 2020, during the current term of the
40 agreement.

41 **Sec. 57.** 1. This section and sections 1 to 15, inclusive, 17,
42 18, 19, 21, 22, 23, 25 to 28, inclusive, 30, 32, 34, 35, 36, 38, 39, 40,
43 42 to 52, inclusive, and section 56 of this act become effective:



1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks necessary to carry out the provisions of this act; and

4 (b) On January 1, 2016, for all other purposes.

5 2. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55,
6 inclusive, of this act become effective on January 1, 2020.

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* S B 5 0 9 *

ASSEMBLY BILL NO. 395—ASSEMBLYMEN GARDNER,
FIORE, JONES; SILBERKRAUS AND WOODBURY

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to the State Public Charter School Authority. (BDR 34-902)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the State Public Charter School Authority; revising the requirements relating to the financial administration of the State Public Charter School Authority; revising provisions governing the personnel of the Authority; revising provisions regarding the adoption of administrative regulations governing charter schools sponsored by the Authority; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The State Budget Act prescribes the procedures for the proposal of the budget
2 for the Executive Department of the State Government. (NRS 353.150-353.246)
3 Professional licensing and certification boards and commissions, which are not
4 funded by money from the State General Fund, are exempted entirely from the
5 requirements of the State Budget Act and therefore do not submit their budgets for
6 review and approval by the Executive Department and the Legislature. (NRS
7 353.005) The Legislative and Judicial Departments of the State Government, the
8 Public Employees’ Retirement System and the Tahoe Regional Planning Agency
9 are required to submit their budgets to the Legislature for approval and to the Chief
10 of the Budget Division of the Department of Administration for informational
11 purposes, but are otherwise exempt from the requirements of the State Budget Act.
12 (NRS 353.210, 353.246) In the same manner, **sections 2, 13 and 14** of this bill
13 exempt the State Public Charter School Authority, which is one of the entities that
14 sponsors charter schools in Nevada, from the requirements of the State Budget Act,
15 except for the requirements of submitting its biennial agency budget to the
16 Legislature for approval and to the Chief of the Budget Division for informational
17 purposes.

18 Under existing law, officers and employees of the Executive Department of the
19 State Government are in either the classified or unclassified service, unless



20 otherwise provided by specific statute. (NRS 284.013, 284.140, 284.150) For
21 example, employees of the Office of the Governor are not in the classified or
22 unclassified service. (NRS 223.085) Under existing law, the State Public Charter
23 School Authority appoints a Director, who is in the unclassified service, and
24 employs such staff as is necessary to carry out its powers and duties. (NRS
25 386.509-386.5125) **Sections 2, 4, 5 and 12** of this bill remove all officers and
26 employees of the Authority from the classified and unclassified service and require
27 the Authority to adopt rules and policies regarding the employment rights, salary
28 ranges and benefits of its officers and employees. However, the officers and
29 employees of the Authority remain eligible to participate in the Public Employees'
30 Benefits Program and the Public Employees' Retirement System. In addition,
31 **section 5** transfers the authority to employ staff from the seven-member Authority
32 to the Director of the Authority.

33 With certain exceptions, existing law limits the amount of the salary of a person
34 employed by the State to not more than 95 percent of the salary for the Office of
35 Governor during the same period. (NRS 281.123) **Sections 2, 4 and 5** exempt the
36 salaries of the Director and employees of the State Public Charter School Authority
37 from this salary limitation and require that the amount of the salaries be within the
38 limits of the biennial agency budget adopted by the Authority.

39 Under existing law, the State Public Charter School Authority is required to
40 sponsor the charter schools in Nevada whose applications it has approved. In
41 addition, if approved by the Department of Education, the board of trustees of a
42 school district and a college or university within the Nevada System of Higher
43 Education are authorized to sponsor charter schools in Nevada. (NRS 386.490-
44 386.649) The Department of Education is authorized under existing law to adopt
45 administrative regulations governing charter schools and is specifically required to
46 adopt regulations governing: (1) the process for submission to a sponsor of an
47 application to form a charter school, renew a charter contract or request an
48 amendment of a written charter or charter contract, and the contents of the
49 application; and (2) the criteria and type of investigation that must be applied by a
50 sponsor in determining whether to approve such an application. (NRS 386.540)

51 **Section 10** of this bill transfers from the Department to the State Public Charter
52 School Authority the duty to adopt regulations governing the process for
53 submission and approval, and the contents of, applications to form, renew a charter
54 contract or request an amendment of a written charter or charter contract for a
55 charter school sponsored by the Authority. With certain exceptions, **section 10** also
56 authorizes the Authority to adopt such regulations as necessary to carry out its
57 powers and duties concerning the charter schools that it sponsors. However, under
58 **section 16** of this bill, the current regulations of the Department governing all
59 charter schools remain in effect and will be enforced by the Authority with respect
60 to charter schools sponsored by the Authority until the Authority amends those
61 regulations. The Authority will continue to be subject to the regulations adopted by
62 the Department on other matters such as reporting requirements by sponsors of
63 charter schools, including the reporting of information for inclusion in the annual
64 report of accountability. (NRS 385.347) Charter schools sponsored by the
65 Authority will also continue to be subject to any regulations adopted by the
66 Department governing procedures for accounting and budgeting and performance
67 and financial audits. (NRS 386.540)



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:

4 1. "Charter school" means a public school that is formed
5 pursuant to the provisions of NRS 386.490 to 386.649, inclusive ~~and~~,
6 *and section 2 of this act.*

7 2. "Department" means the Department of Education.

8 3. "Homeschooled child" means a child who receives
9 instruction at home and who is exempt from compulsory attendance
10 pursuant to NRS 392.070.

11 4. "Limited English proficient" has the meaning ascribed to it
12 in 20 U.S.C. § 7801(25).

13 5. "Public schools" means all kindergartens and elementary
14 schools, junior high schools and middle schools, high schools,
15 charter schools and any other schools, classes and educational
16 programs which receive their support through public taxation and,
17 except for charter schools, whose textbooks and courses of study are
18 under the control of the State Board.

19 6. "State Board" means the State Board of Education.

20 7. "University school for profoundly gifted pupils" has the
21 meaning ascribed to it in NRS 392A.040.

22 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 *The State Public Charter School Authority shall:*

25 1. *Adopt biennially a budget for the operation of the State*
26 *Public Charter School Authority for submission pursuant to NRS*
27 *353.210 and 353.246. The biennial agency budget must include,*
28 *without limitation, all projected revenues and expenditures for the*
29 *State Public Charter School Authority to carry out its powers and*
30 *duties during the 2 fiscal years included in the biennial agency*
31 *budget. Any changes to the biennial agency budget must be*
32 *adopted by the State Public Charter School Authority.*

33 2. *Adopt such rules and policies as the State Public Charter*
34 *School Authority deems appropriate to establish the employment*
35 *rights of the persons appointed or employed by the State Public*
36 *Charter School Authority.*

37 3. *In addition to the benefits provided to state officers and*
38 *employees pursuant to chapters 286 and 287 of NRS, determine*
39 *the other benefits of the members of the State Public Charter*
40 *School Authority and the persons appointed or employed by the*
41 *State Public Charter School Authority within the limits of the*



1 *biennial agency budget adopted by the State Public Charter*
2 *School Authority pursuant to subsection 1.*

3 *4. Adopt salary ranges for the positions of persons appointed*
4 *or employed by the State Public Charter School Authority within*
5 *the limits of the biennial agency budget adopted by the State*
6 *Public Charter School Authority pursuant to subsection 1.*

7 **Sec. 3.** NRS 386.490 is hereby amended to read as follows:

8 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*
9 *section 2 of this act*, the words and terms defined in NRS 386.492
10 to 386.503, inclusive, have the meanings ascribed to them in those
11 sections.

12 **Sec. 4.** NRS 386.511 is hereby amended to read as follows:

13 386.511 1. The State Public Charter School Authority shall
14 appoint a Director of the State Public Charter School Authority .
15 ~~[for a term of 3 years.]~~ The State Public Charter School Authority
16 shall ensure that the Director has a demonstrated understanding of
17 charter schools and a commitment to using charter schools as a way
18 to strengthen public education in this State.

19 2. ~~[A vacancy in the position of Director must be filled by the~~
20 ~~State Public Charter School Authority for the remainder of the~~
21 ~~unexpired term.~~

22 ~~—3.]~~ The Director ~~[is]~~ :

23 (a) *Is not* in the *classified or* unclassified service of the State.

24 (b) *Serves at the pleasure of the State Public Charter School*
25 *Authority.*

26 (c) *Is entitled to receive an annual salary determined by the*
27 *State Public Charter School Authority which is within the salary*
28 *range for the position adopted by the State Public Charter School*
29 *Authority pursuant to section 2 of this act. The salary of the*
30 *Director is exempt from the limitations set forth in NRS 281.123.*

31 **Sec. 5.** NRS 386.5125 is hereby amended to read as follows:

32 386.5125 The ~~[State Public Charter School Authority]~~ Director
33 may , *within the limits of the biennial budget adopted by the State*
34 *Public Charter School Authority pursuant to section 2 of this act*,
35 employ such persons as ~~[it]~~ *the Director* deems necessary to carry
36 out the ~~[provisions]~~ *powers and duties of the State Public Charter*
37 *School Authority pursuant to* NRS 386.490 to 386.649, inclusive
38 ~~[,]~~ , *and section 2 of this act.* The staff employed ~~[by the State~~
39 ~~Public Charter School Authority must]~~ *pursuant to this section:*

40 1. *Must* be qualified to carry out the daily responsibilities of
41 sponsoring charter schools in accordance with the provisions of
42 NRS 386.490 to 386.649, inclusive ~~[,]~~ , *and section 2 of this act.*

43 2. *Have such duties as may be determined by the Director.*

44 3. *Are not in the classified or unclassified service of the State.*

45 4. *Serve at the pleasure of the Director.*



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1 **5. Are entitled to receive annual salaries determined by the**
2 **Director which are within the salary ranges for the positions**
3 **adopted by the State Public Charter School Authority pursuant to**
4 **section 2 of this act. The salaries of the staff employed pursuant to**
5 **this section are exempt from the limitations set forth in**
6 **NRS 281.123.**

7 **Sec. 6.** NRS 386.515 is hereby amended to read as follows:

8 386.515 1. The board of trustees of a school district may
9 apply to the Department for authorization to sponsor charter schools
10 within the school district in accordance with the regulations adopted
11 by the Department pursuant to NRS 386.540. An application must
12 be approved by the Department before the board of trustees may
13 sponsor a charter school. Not more than 180 days after receiving
14 approval to sponsor charter schools, the board of trustees shall
15 provide public notice of its ability to sponsor charter schools and
16 solicit applications for charter schools.

17 2. The State Public Charter School Authority shall sponsor
18 charter schools whose applications have been approved by the State
19 Public Charter School Authority pursuant to NRS 386.525. Except
20 as otherwise provided by specific statute, if the State Public Charter
21 School Authority sponsors a charter school, the State Public Charter
22 School Authority is responsible for the evaluation, monitoring and
23 oversight of the charter school.

24 3. A college or university within the Nevada System of Higher
25 Education may submit an application to the Department to sponsor
26 charter schools in accordance with the regulations adopted by the
27 Department pursuant to NRS 386.540. An application must be
28 approved by the Department before a college or university within
29 the Nevada System of Higher Education may sponsor charter
30 schools.

31 4. Each sponsor of a charter school shall carry out the
32 following duties and powers:

33 (a) Evaluating applications to form charter schools as prescribed
34 by NRS 386.525;

35 (b) Approving applications to form charter schools that the
36 sponsor determines are high quality, meet the identified educational
37 needs of pupils and will serve to promote the diversity of public
38 educational choices in this State;

39 (c) Declining to approve applications to form charter schools
40 that do not satisfy the requirements of NRS 386.525;

41 (d) Negotiating and executing charter contracts pursuant to
42 NRS 386.527;

43 (e) Monitoring, in accordance with NRS 386.490 to 386.649,
44 inclusive, **and section 2 of this act**, and in accordance with the
45 terms and conditions of the applicable charter contract, the



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1 performance and compliance of each charter school sponsored by
2 the entity; and

3 (f) Determining whether the charter contract of a charter school
4 that the entity sponsors merits renewal or whether the renewal of the
5 charter contract should be denied or whether the written charter
6 should be revoked or the charter contract terminated, as applicable,
7 in accordance with NRS 386.530, 386.535 or 386.5351, as
8 applicable.

9 5. Each sponsor of a charter school shall develop policies and
10 practices that are consistent with state laws and regulations
11 governing charter schools. In developing the policies and practices,
12 the sponsor shall review and evaluate nationally recognized policies
13 and practices for sponsoring organizations of charter schools. The
14 policies and practices must include, without limitation:

15 (a) The organizational capacity and infrastructure of the sponsor
16 for sponsorship of charter schools, which must not be described as a
17 limit on the number of charter schools the sponsor will approve;

18 (b) The procedure and criteria for evaluating charter school
19 applications in accordance with NRS 386.525 and for the renewal of
20 charter contracts pursuant to NRS 386.530;

21 (c) A description of how the sponsor will maintain oversight of
22 the charter schools it sponsors; and

23 (d) A description of the process of evaluation for the charter
24 schools it sponsors in accordance with NRS 386.610.

25 6. Evidence of material or persistent failure *by a board of*
26 *trustees or a college or university* to carry out the powers and duties
27 of a sponsor prescribed by this section constitutes grounds for
28 revocation of the entity's authority to sponsor charter schools.

29 **Sec. 7.** NRS 386.520 is hereby amended to read as follows:

30 386.520 1. A committee to form a charter school must
31 consist of:

32 (a) One member who is a teacher or other person licensed
33 pursuant to chapter 391 of NRS or who previously held such a
34 license and is retired, as long as his or her license was held in good
35 standing;

36 (b) One member who:

37 (1) Satisfies the qualifications of paragraph (a); or

38 (2) Is a school administrator with a license issued by another
39 state or who previously held such a license and is retired, as long as
40 his or her license was held in good standing;

41 (c) One parent or legal guardian who is not a teacher or
42 employee of the proposed charter school; and

43 (d) Two members who possess knowledge and expertise in one
44 or more of the following areas:

45 (1) Accounting;



- 1 (2) Financial services;
2 (3) Law; or
3 (4) Human resources.
- 4 2. In addition to the members who serve pursuant to subsection
5 1, the committee to form a charter school may include, without
6 limitation, not more than four additional members as follows:
7 (a) Members of the general public;
8 (b) Representatives of nonprofit organizations and businesses;
9 or
10 (c) Representatives of a college or university within the Nevada
11 System of Higher Education.
- 12 3. A majority of the persons who serve on the committee to
13 form a charter school must be residents of this State at the time that
14 the application to form the charter school is submitted to the
15 ~~{Department.}~~ *proposed sponsor.*
- 16 4. The committee to form a charter school shall ensure that the
17 completed application:
18 (a) Presents the academic, financial and organizational vision
19 and plans for the proposed charter school; and
20 (b) Provides the proposed sponsor of the charter school with a
21 clear basis for assessing the capacity of the applicant to carry out the
22 vision and plans.
- 23 5. An application to form a charter school must include all
24 information prescribed by the ~~{Department by regulation}~~ *applicable*
25 *regulations adopted pursuant to NRS 386.540* and:
26 (a) A written description of how the charter school will carry out
27 the provisions of NRS 386.490 to 386.649, inclusive ~~{ }~~ , *and*
28 *section 2 of this act.*
29 (b) A written description of the mission and goals for the charter
30 school. A charter school must have as its stated purpose at least one
31 of the following goals:
32 (1) Improving the academic achievement of pupils;
33 (2) Encouraging the use of effective and innovative methods
34 of teaching;
35 (3) Providing an accurate measurement of the educational
36 achievement of pupils;
37 (4) Establishing accountability and transparency of public
38 schools;
39 (5) Providing a method for public schools to measure
40 achievement based upon the performance of the schools; or
41 (6) Creating new professional opportunities for teachers.
42 (c) The projected enrollment of pupils in the charter school.
43 (d) The proposed dates for accepting applications for enrollment
44 in the initial year of operation of the charter school.



1 (e) The proposed system of governance for the charter school,
2 including, without limitation, the number of persons who will
3 govern, the method for nominating and electing the persons who
4 will govern and the term of office for each person.

5 (f) The method by which disputes will be resolved between the
6 governing body of the charter school and the sponsor of the charter
7 school.

8 (g) The proposed curriculum for the charter school and, if
9 applicable to the grade level of pupils who are enrolled in the
10 charter school, the requirements for the pupils to receive a high
11 school diploma, including, without limitation, whether those pupils
12 will satisfy the requirements of the school district in which the
13 charter school is located for receipt of a high school diploma.

14 (h) The textbooks that will be used at the charter school.

15 (i) The qualifications of the persons who will provide instruction
16 at the charter school.

17 (j) Except as otherwise required by NRS 386.595, the process by
18 which the governing body of the charter school will negotiate
19 employment contracts with the employees of the charter school.

20 (k) A financial plan for the operation of the charter school. The
21 plan must include, without limitation, procedures for the audit of the
22 programs and finances of the charter school and guidelines for
23 determining the financial liability if the charter school is
24 unsuccessful.

25 (l) A statement of whether the charter school will provide for the
26 transportation of pupils to and from the charter school. If the charter
27 school will provide transportation, the application must include the
28 proposed plan for the transportation of pupils. If the charter school
29 will not provide transportation, the application must include a
30 statement that the charter school will work with the parents and
31 guardians of pupils enrolled in the charter school to develop a plan
32 for transportation to ensure that pupils have access to transportation
33 to and from the charter school.

34 (m) The procedure for the evaluation of teachers of the charter
35 school, if different from the procedure prescribed in NRS 391.3125
36 and 391.3128. If the procedure is different from the procedure
37 prescribed in NRS 391.3125 and 391.3128, the procedure for the
38 evaluation of teachers of the charter school must provide the same
39 level of protection and otherwise comply with the standards for
40 evaluation set forth in NRS 391.3125 and 391.3128.

41 (n) The time by which certain academic or educational results
42 will be achieved.

43 (o) The kind of school, as defined in subsections 1 to 4,
44 inclusive, of NRS 388.020, for which the charter school intends to
45 operate.



1 (p) A statement of whether the charter school will enroll pupils
2 who are in a particular category of at-risk pupils before enrolling
3 other children who are eligible to attend the charter school pursuant
4 to NRS 386.580 and the method for determining eligibility for
5 enrollment in each such category of at-risk pupils served by the
6 charter school.

7 6. As used in subsection 1, "teacher" means a person who:

8 (a) Holds a current license to teach issued pursuant to chapter
9 391 of NRS or who previously held such a license and is retired, as
10 long as his or her license was held in good standing; and

11 (b) Has at least 2 years of experience as an employed teacher.

12 ➔ The term does not include a person who is employed as a
13 substitute teacher.

14 **Sec. 8.** NRS 386.525 is hereby amended to read as follows:

15 386.525 1. A charter school may submit the application to
16 the proposed sponsor of the charter school. If an application
17 proposes to convert an existing public school, homeschool or other
18 program of home study into a charter school, the proposed sponsor
19 shall deny the application.

20 2. The proposed sponsor of a charter school shall, in reviewing
21 an application to form a charter school:

22 (a) Assemble a team of reviewers who possess the appropriate
23 knowledge and expertise with regard to the academic, financial and
24 organizational experience of charter schools to review and evaluate
25 the application;

26 (b) Conduct a thorough evaluation of the application, which
27 includes an in-person interview with the committee to form the
28 charter school;

29 (c) Base its determination on documented evidence collected
30 through the process of reviewing the application; and

31 (d) Adhere to the policies and practices developed by the
32 proposed sponsor pursuant to subsection 5 of NRS 386.515.

33 3. The proposed sponsor of a charter school may approve an
34 application to form a charter school only if the proposed sponsor
35 determines that:

36 (a) The application ~~f~~:

37 ~~— (1) Complies~~ *complies* with NRS 386.490 to 386.649,
38 inclusive, *and section 2 of this act* and the *applicable* regulations
39 ~~[applicable to charter schools;]~~ *adopted pursuant thereto;* and

40 ~~{(2) Is complete in accordance with the regulations of the~~
41 ~~Department; and}~~

42 (b) The applicant has demonstrated competence in accordance
43 with the criteria for approval prescribed by the sponsor pursuant to
44 subsection 5 of NRS 386.515 that will likely result in a successful
45 opening and operation of the charter school.



1 4. If the board of trustees of a school district or a college or a
2 university within the Nevada System of Higher Education, as
3 applicable, receives an application to form a charter school, the
4 board of trustees or the institution, as applicable, shall consider the
5 application at a meeting that must be held not later than 60 days
6 after the receipt of the application, or a later period mutually agreed
7 upon by the committee to form the charter school and the board of
8 trustees of the school district or the institution, as applicable, and
9 ensure that notice of the meeting has been provided pursuant to
10 chapter 241 of NRS. The board of trustees, the college or the
11 university, as applicable, shall review an application in accordance
12 with the requirements for review set forth in subsections 2 and 3.

13 5. The board of trustees, the college or the university, as
14 applicable, may approve an application if it satisfies the
15 requirements of subsection 3.

16 6. The board of trustees, the college or the university, as
17 applicable, shall provide written notice to the applicant of its
18 approval or denial of the application. If the board of trustees, the
19 college or the university, as applicable, denies an application, it shall
20 include in the written notice the reasons for the denial and the
21 deficiencies in the application. The applicant must be granted 30
22 days after receipt of the written notice to correct any deficiencies
23 identified in the written notice and resubmit the application.

24 7. If the board of trustees, the college or the university, as
25 applicable, denies an application after it has been resubmitted
26 pursuant to subsection 6, the applicant may submit a written request
27 for sponsorship by the State Public Charter School Authority not
28 more than 30 days after receipt of the written notice of denial. Any
29 request that is submitted pursuant to this subsection must be
30 accompanied by the application to form the charter school.

31 8. If the State Public Charter School Authority receives an
32 application pursuant to subsection 1 or 7, it shall consider the
33 application at a meeting which must be held not later than 60 days
34 after receipt of the application or a later period mutually agreed
35 upon by the committee to form the charter school and the State
36 Public Charter School Authority. Notice of the meeting must be
37 posted in accordance with chapter 241 of NRS. The State Public
38 Charter School Authority shall review the application in accordance
39 with the requirements for review set forth in subsections 2 and 3.
40 The State Public Charter School Authority may approve an
41 application only if it satisfies the requirements of subsection 3. Not
42 more than 30 days after the meeting, the State Public Charter School
43 Authority shall provide written notice of its determination to the
44 applicant.



1 9. If the State Public Charter School Authority denies or fails
2 to act upon an application, the denial or failure to act must be based
3 upon a finding that the applicant failed to satisfy the requirements of
4 subsection 3. The State Public Charter School Authority shall
5 include in the written notice the reasons for the denial or the failure
6 to act and the deficiencies in the application. The staff designated by
7 the State Public Charter School Authority shall meet with the
8 applicant to confer on the method to correct the identified
9 deficiencies. The applicant must be granted 30 days after receipt of
10 the written notice to correct any deficiencies identified in the written
11 notice and resubmit the application.

12 10. If the State Public Charter School Authority denies an
13 application after it has been resubmitted pursuant to subsection 9,
14 the applicant may, not more than 30 days after the receipt of the
15 written notice from the State Public Charter School Authority,
16 appeal the final determination to the district court of the county in
17 which the proposed charter school will be located.

18 11. On or before January 1 of each odd-numbered year, the
19 Superintendent of Public Instruction shall submit a written report to
20 the Director of the Legislative Counsel Bureau for transmission to
21 the next regular session of the Legislature. The report must include:

22 (a) A list of each application to form a charter school that was
23 submitted to the board of trustees of a school district, the State
24 Public Charter School Authority, a college or a university during the
25 immediately preceding biennium;

26 (b) The educational focus of each charter school for which an
27 application was submitted;

28 (c) The current status of the application; and

29 (d) If the application was denied, the reasons for the denial.

30 **Sec. 9.** NRS 386.535 is hereby amended to read as follows:

31 386.535 Except as otherwise provided in NRS 386.5351:

32 1. The sponsor of a charter school may revoke a written charter
33 or terminate a charter contract before the expiration of the charter if
34 the sponsor determines that:

35 (a) The charter school, its officers or its employees:

36 (1) Committed a material breach of the terms and conditions
37 of the written charter or charter contract;

38 (2) Failed to comply with generally accepted standards of
39 fiscal management;

40 (3) Failed to comply with the provisions of NRS 386.490 to
41 386.649, inclusive, *and section 2 of this act* or any other statute or
42 regulation applicable to charter schools; or

43 (4) If the charter school holds a charter contract, has
44 persistently underperformed, as measured by the performance



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1 indicators, measures and metrics set forth in the performance
2 framework for the charter school;

3 (b) The charter school has filed for a voluntary petition of
4 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise
5 financially impaired such that the charter school cannot continue to
6 operate; or

7 (c) There is reasonable cause to believe that revocation or
8 termination is necessary to protect the health and safety of the pupils
9 who are enrolled in the charter school or persons who are employed
10 by the charter school from jeopardy, or to prevent damage to or loss
11 of the property of the school district or the community in which the
12 charter school is located.

13 2. Before the sponsor revokes a written charter or terminates a
14 charter contract, the sponsor shall provide written notice of its
15 intention to the governing body of the charter school. The written
16 notice must:

17 (a) Include a statement of the deficiencies or reasons upon
18 which the action of the sponsor is based;

19 (b) Except as otherwise provided in subsection 4, prescribe a
20 period, not less than 30 days, during which the charter school may
21 correct the deficiencies, including, without limitation, the date on
22 which the period to correct the deficiencies begins and the date on
23 which that period ends;

24 (c) Prescribe the date on which the sponsor will make a
25 determination regarding whether the charter school has corrected the
26 deficiencies, which determination may be made during the public
27 hearing held pursuant to subsection 3; and

28 (d) Prescribe the date on which the sponsor will hold a public
29 hearing to consider whether to revoke the written charter or
30 terminate the charter contract.

31 3. Except as otherwise provided in subsection 4, not more than
32 90 days after the notice is provided pursuant to subsection 2, the
33 sponsor shall hold a public hearing to make a determination
34 regarding whether to revoke the written charter or terminate the
35 charter contract. If the charter school corrects the deficiencies to the
36 satisfaction of the sponsor within the time prescribed in paragraph

37 (b) of subsection 2, the sponsor shall not revoke the written charter
38 or terminate the charter contract of the charter school. The sponsor
39 may not include in a written notice pursuant to subsection 2 any
40 deficiency which was included in a previous written notice and
41 which was corrected by the charter school, unless the deficiency
42 recurred after being corrected.

43 4. The sponsor of a charter school and the governing body of
44 the charter school may enter into a written agreement that prescribes
45 different time periods than those set forth in subsections 2 and 3.



1 5. If the written charter is revoked or the charter contract is
2 terminated, the sponsor of the charter school shall submit a written
3 report to the Department and the governing body of the charter
4 school setting forth the reasons for the termination not later than 10
5 days after revoking the written charter or terminating the charter
6 contract.

7 **Sec. 10.** NRS 386.540 is hereby amended to read as follows:

8 386.540 1. The Department ~~[shall]~~ :

9 ~~(a)~~ *Shall* adopt regulations that prescribe:

10 ~~(a)~~ *(1)* The process for submission of an application pursuant
11 to NRS 386.515 by the board of trustees of a school district or a
12 college or university within the Nevada System of Higher Education
13 to the Department for authorization to sponsor charter schools, the
14 contents of the application, the process for the Department to review
15 the application and the timeline for review;

16 ~~(b)~~ *(2)* The process for the Department to conduct a
17 comprehensive review of the sponsors of charter schools that it has
18 approved for sponsorship pursuant to NRS 386.515 at least once
19 every 3 years;

20 ~~(c)~~ *(3)* The process for the Department to determine whether
21 to continue or to revoke the authorization of a board of trustees of a
22 school district or a college or university within the Nevada System
23 of Higher Education to sponsor charter schools;

24 ~~(d)~~ *(4)* The process for submission ~~[of an application to form a~~
25 ~~charter school]~~ to the board of trustees of a school district ~~[, the~~
26 ~~State Public Charter School Authority and]~~ *or* a college or
27 university within the Nevada System of Higher Education ~~[,]~~ *of an*
28 *application to form a charter school, an application to renew a*
29 *charter contract and an application to request an amendment of a*
30 *written charter pursuant to NRS 386.527, and the contents of [the]*
31 *such an application;*

32 ~~(e) The process for submission of an application to renew a~~
33 ~~charter contract;~~

34 ~~(f)] and~~

35 *(5)* The criteria *that must be applied* and type of
36 investigation that must be ~~[applied]~~ *conducted* by the board of
37 trustees ~~[, the State Public Charter School Authority]~~ and a college
38 or university within the Nevada System of Higher Education in
39 determining whether to approve an application to form a charter
40 school, an application to renew a charter contract or ~~[a]~~ *an*
41 *application to* request ~~[for]~~ an amendment of a written charter or a
42 charter contract . ~~[; and~~

43 ~~(g) The process for submission of an amendment of a written~~
44 ~~charter or a charter contract pursuant to NRS 386.527 and the~~
45 ~~contents of the application.~~



~~2. The Department may~~

(b) May adopt such regulations governing a charter school sponsored by the board of trustees of a school district or a college or university within the Nevada System of Higher Education as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, [including, without limitation,] and section 2 of this act.

(c) May adopt regulations that prescribe for a charter school sponsored by the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education the:

~~(a)~~ (1) Procedures for accounting and budgeting;

~~(b)~~ (2) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

~~(c)~~ (3) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

2. The State Public Charter School Authority:

(a) Shall adopt regulations that prescribe:

(1) The process for submission to the State Public Charter School Authority of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a written charter and the contents of such an application; and

(2) The criteria that must be applied and type of investigation that must be conducted by the State Public Charter School Authority in determining whether to approve an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written contract or a charter contract.

(b) Except as otherwise provided in subsection 1, may adopt such regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, and section 2 of this act concerning a charter school sponsored by the State Public Charter School Authority.

Sec. 11. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department ~~shall~~ :

(a) Shall adopt regulations that prescribe:

~~(a)~~ (1) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the



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1 contents of the application, the process for the Department to review
2 the application and the timeline for review;

3 ~~{(b)}~~ (2) The process for the Department to conduct a
4 comprehensive review of the sponsors of charter schools that it has
5 approved for sponsorship pursuant to NRS 386.515 at least once
6 every 3 years;

7 ~~{(e)}~~ (3) The process for the Department to determine whether
8 to continue or to revoke the authorization of a board of trustees of a
9 school district or a college or university within the Nevada System
10 of Higher Education to sponsor charter schools;

11 ~~{(d)}~~ (4) The process for submission ~~{of an application to form a~~
12 ~~charter school}~~ to the board of trustees of a school district ~~{, the~~
13 ~~State Public Charter School Authority and}~~ or a college or
14 university within the Nevada System of Higher Education ~~{}~~ *of an*
15 *application to form a charter school, an application to renew a*
16 *charter contract and an application to request an amendment of a*
17 *charter contract pursuant to NRS 386.527, and the contents of*
18 ~~{the}~~ *such an* application;

19 ~~{(e)}~~ ~~The process for submission of an application to renew a~~
20 ~~charter contract;~~

21 ~~—{(f)} and~~

22 (5) The criteria *that must be applied* and type of
23 investigation that must be ~~{applied}~~ *conducted* by the board of
24 trustees ~~{, the State Public Charter School Authority}~~ and a college
25 or university within the Nevada System of Higher Education in
26 determining whether to approve an application to form a charter
27 school, an application to renew a charter contract or ~~{a}~~ *an*
28 *application to* request ~~{for}~~ an amendment of a charter contract . ~~{}~~
29 *and*

30 ~~—{(g)}~~ ~~The process for submission of an amendment of a charter~~
31 ~~contract pursuant to NRS 386.527 and the contents of the~~
32 ~~application.~~

33 ~~—2. The Department may}~~

34 (b) *May* adopt *such* regulations *governing a charter school*
35 *sponsored by the board of trustees of a school district or a college*
36 *or university within the Nevada System of Higher Education* as it
37 determines are necessary to carry out the provisions of NRS 386.490
38 to 386.649, inclusive, ~~{including, without limitation,}~~ *and section 2*
39 *of this act.*

40 (c) *May* adopt regulations that prescribe *for a charter school*
41 *sponsored by the board of trustees of a school district, the State*
42 *Public Charter School Authority or a college or university within*
43 *the Nevada System of Higher Education* the:

44 ~~{(a)}~~ (1) Procedures for accounting and budgeting;



1 ~~(b)~~ (2) Requirements for performance audits and financial
2 audits of charter schools on an annual basis for charter schools that
3 do not satisfy the requirements of subsection 1 of NRS 386.5515;
4 and

5 ~~(c)~~ (3) Requirements for performance audits every 3 years and
6 financial audits on an annual basis for charter schools that satisfy the
7 requirements of subsection 1 of NRS 386.5515.

8 **2. The State Public Charter School Authority:**

9 (a) *Shall adopt regulations that prescribe:*

10 (1) *The process for submission to the State Public Charter*
11 *School Authority of an application to form a charter school, an*
12 *application to renew a charter contract and an application to*
13 *request an amendment of a charter contract, and the contents of*
14 *such an application; and*

15 (2) *The criteria that must be applied and type of*
16 *investigation that must be conducted by the State Public Charter*
17 *School Authority in determining whether to approve an*
18 *application to form a charter school, an application to renew a*
19 *charter contract or an application to request an amendment of a*
20 *charter contract.*

21 (b) *Except as otherwise provided in subsection 1, may adopt*
22 *such regulations as it determines are necessary to carry out the*
23 *provisions of NRS 386.490 to 386.649, inclusive, and section 2 of*
24 *this act concerning a charter school sponsored by the State Public*
25 *Charter School Authority.*

26 **Sec. 12.** NRS 284.140 is hereby amended to read as follows:

27 284.140 ~~The~~ *Except as otherwise provided by specific*
28 *statute, the* unclassified service of the State consists of the
29 following state officers or employees in the Executive Department
30 of the State Government who receive annual salaries for their
31 services:

32 1. Members of boards and commissions, and heads of
33 departments, agencies and institutions required by law to be
34 appointed.

35 2. ~~Except as otherwise provided in NRS 223.085, 223.570 and~~
36 ~~223.600, all~~ *All* persons required by law to be appointed by the
37 Governor or heads of departments or agencies appointed by the
38 Governor or by boards.

39 3. All employees other than clerical in the Office of the
40 Attorney General and the State Public Defender required by law to
41 be appointed by the Attorney General or the State Public Defender.

42 4. Except as otherwise provided by the Board of Regents of the
43 University of Nevada pursuant to NRS 396.251, officers and
44 members of the teaching staff and the staffs of the Agricultural
45 Extension Department and Experiment Station of the Nevada



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1 System of Higher Education, or any other state institution of
2 learning, and student employees of these institutions. Custodial,
3 clerical or maintenance employees of these institutions are in the
4 classified service. The Board of Regents of the University of
5 Nevada shall assist the Administrator in carrying out the provisions
6 of this chapter applicable to the Nevada System of Higher
7 Education.

8 5. All other officers and employees authorized by law to be
9 employed in the unclassified service.

10 **Sec. 13.** NRS 353.210 is hereby amended to read as follows:

11 353.210 1. Except as otherwise provided in subsections 6 and
12 7, on or before September 1 of each even-numbered year, all
13 departments, institutions and other agencies of the Executive
14 Department of the State Government, and all agencies of the
15 Executive Department of the State Government receiving state
16 money, fees or other money under the authority of the State,
17 including those operating on money designated for specific purposes
18 by the Nevada Constitution or otherwise, shall prepare, on blanks
19 furnished them by the Chief, and submit to the Chief:

20 (a) The number of full-time equivalent positions within the
21 department, institution or agency.

22 (b) The number of full-time equivalent positions within the
23 department, institution or agency that have been vacant for at least
24 12 months, the number of months each such position has been
25 vacant and the reasons for each such vacancy.

26 (c) Any existing contracts for services the department,
27 institution or agency has with temporary employment services or
28 other persons, the proposed expenditures for such contracts in the
29 next 2 fiscal years and the reasons for the use of such services. If
30 such contracts include any privatization contracts, a copy of each of
31 those privatization contracts together with:

32 (1) A statement specifying the duration of the privatization
33 contracts;

34 (2) The number of privatization contracts proposed for the
35 next 2 fiscal years and the estimated expenditures for the
36 privatization contracts; and

37 (3) An analysis of each of the privatization contracts, which
38 includes, without limitation:

39 (I) For the preceding, current and next fiscal years, the
40 annual amount required to perform each of the privatization
41 contracts; and

42 (II) For the preceding and current fiscal years, the number
43 of persons the department, institution or agency employed pursuant
44 to the privatization contracts, reflected as the equivalent full-time
45 position if the persons were regularly employed by the department,



1 institution or agency, including the equivalent hourly wage and the
2 cost of benefits for each job classification.

3 (d) Estimates of expenditure requirements of the department,
4 institution or agency, together with all anticipated income from fees
5 and all other sources, for the next 2 fiscal years compared with the
6 corresponding figures of the last completed fiscal year and the
7 estimated figures for the current fiscal year.

8 2. The Chief shall direct that one copy of the forms submitted
9 pursuant to subsection 1, accompanied by every supporting schedule
10 and any other related material, be delivered directly to the Fiscal
11 Analysis Division of the Legislative Counsel Bureau on or before
12 September 1 of each even-numbered year.

13 3. The Budget Division of the Department of Administration
14 shall give advance notice to the Fiscal Analysis Division of the
15 Legislative Counsel Bureau of any conference between the Budget
16 Division of the Department of Administration and personnel of
17 other state agencies regarding budget estimates. A Fiscal Analyst of
18 the Legislative Counsel Bureau or his or her designated
19 representative may attend any such conference.

20 4. The estimates of expenditure requirements submitted
21 pursuant to subsection 1 must be classified to set forth the data of
22 funds, organizational units, and the character and objects of
23 expenditures by program or budgetary account and by category of
24 expense, and must include a mission statement and measurement
25 indicators in adequate detail to comply with the requirements of
26 subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205.
27 The organizational units may be subclassified by functions and by
28 agencies, bureaus or commissions, or in any other manner at the
29 discretion of the Chief.

30 5. If any department, institution or other agency of the
31 Executive Department of the State Government, whether its money
32 is derived from state money or from other money collected under
33 the authority of the State, fails or neglects to submit estimates of its
34 expenditure requirements as provided in this section, the Chief may,
35 from any data at hand in the Chief's office or which the Chief may
36 examine or obtain elsewhere, make and enter a proposed budget for
37 the department, institution or agency in accordance with the data.

38 6. Agencies, bureaus, commissions and officers of the
39 Legislative Department [~~the Public Employees' Retirement~~
40 ~~System~~] and the Judicial Department of the State Government, *the*
41 *Public Employees' Retirement System and the State Public*
42 *Charter School Authority* shall submit to the Chief for his or her
43 information in preparing the proposed executive budget the budgets
44 which they propose to submit to the Legislature.



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1 7. On or before September 1 of each even-numbered year, the
2 Tahoe Regional Planning Agency shall submit the budget which the
3 Agency proposes to submit to the Legislature to:

4 (a) The Chief for his or her information in preparing the
5 proposed executive budget.

6 (b) The Fiscal Analysis Division of the Legislative Counsel
7 Bureau.

8 8. The information provided by a department, institution or
9 agency pursuant to paragraph (c) of subsection 1 is a public record
10 and must be open to public inspection.

11 9. As used in this section, "privatization contract" means a
12 contract executed by or on behalf of a department, institution or
13 agency which authorizes a private entity to provide public services
14 which are:

15 (a) Substantially similar to the services performed by the public
16 employees of the department, institution or agency; and

17 (b) In lieu of the services otherwise authorized or required to be
18 provided by the department, institution or agency.

19 **Sec. 14.** NRS 353.246 is hereby amended to read as follows:

20 353.246 1. Except as otherwise provided in subsection 2 of
21 this section and subsections 6 and 7 of NRS 353.210, the provisions
22 of NRS 353.150 to 353.245, inclusive, do not apply to agencies,
23 bureaus, commissions and officers of the Legislative Department ~~;~~
24 ~~the Public Employees' Retirement System,]~~ and the Judicial
25 Department of the State Government , *the Public Employees'*
26 *Retirement System, the State Public Charter School Authority* and
27 the Tahoe Regional Planning Agency.

28 2. The Legislative Department ~~;~~ ~~the Public Employees'~~
29 ~~Retirement System,]~~ and the Judicial Department of the State
30 Government , *the Public Employees' Retirement System, the State*
31 *Public Charter School Authority* and the Tahoe Regional Planning
32 Agency shall submit their budgets to the Legislature in the same
33 format as the proposed executive budget unless otherwise provided
34 by the Legislative Commission. All projections of revenue and any
35 other information concerning future state revenue contained in those
36 budgets must be based upon the projections and estimates prepared
37 by the Economic Forum pursuant to NRS 353.228.

38 **Sec. 15.** 1. If, on July 1, 2015, the State Public Charter
39 School Authority has not adopted the rules, policies and salary
40 ranges and determined the benefits for all of its officers and
41 employees who are not in the classified or unclassified service of the
42 State on July 1, 2015, as required pursuant to section 2 of this act,
43 those officers and employees are entitled to the same rights and
44 privileges as they enjoyed under chapter 284 of NRS before July 1,



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1 2015, until the adoption of those rules, policies and salary ranges
2 and the determination of those benefits.

3 2. A person who is employed by the State Public Charter
4 School Authority on June 30, 2015, with permanent status in the
5 classified service may request the Division of Human Resource
6 Management of the Department of Administration to place his or
7 her name on an appropriate reemployment list maintained by the
8 Division. Upon receipt of such a request, the Division shall maintain
9 such an employee on the reemployment list until June 30, 2016, or
10 until the person is reemployed by the Executive Department of the
11 State Government in the classified service in the class or a
12 comparable class with the same grade as the position that the person
13 held with the State Public Charter School Authority before the
14 position was moved from the classified service, whichever occurs
15 earlier. An employee's eligibility to remain on the reemployment
16 list during the period specified in this subsection is not affected by
17 any separation from service of the employee with the State Public
18 Charter School Authority during that period.

19 **Sec. 16.** 1. Any administrative regulations adopted by the
20 Department of Education pursuant to NRS 386.540 before July 1,
21 2015, remain in force with respect to a charter school proposed to be
22 sponsored or sponsored by the State Public Charter School
23 Authority before, on or after July 1, 2015, until amended by the
24 State Public Charter School Authority.

25 2. Any contracts or other agreements entered into by an officer,
26 agency or other entity whose name has been changed or whose
27 responsibilities have been transferred pursuant to the provisions of
28 this act to another officer, agency or other entity are binding upon
29 the officer, agency or other entity to which the responsibility for the
30 administration of the provisions of the contract or other agreement
31 has been transferred. Such contracts and other agreements may be
32 enforced by the officer, agency or other entity to which the
33 responsibility for the enforcement of the provisions of the contract
34 or other agreement has been transferred.

35 3. Any action taken by an officer, agency or other entity whose
36 name has been changed or whose responsibilities have been
37 transferred pursuant to the provisions of this act to another officer,
38 agency or other entity remains in effect as if taken by the officer,
39 agency or other entity to which the responsibility for the
40 enforcement of such actions has been transferred.

41 **Sec. 17.** 1. This section and sections 1 to 10, inclusive, and
42 sections 12 to 16, inclusive, of this act become effective:

43 (a) Upon passage and approval for the purposes of the State
44 Public Charter School Authority carrying out its duties pursuant to
45 section 2 of this act and adopting regulations; and



- 1 (b) On July 1, 2015, for all other purposes.
- 2 2. Section 11 of this act becomes effective on January 1, 2020.

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STATE PUBLIC CHARTER SCHOOL AUTHORITY

SUPPORTING DOCUMENT

**S U B J E C T: Consideration regarding
Assembly and Senate bills with effect on charter
schools**

 / / Public Workshop
 / / Public Hearing
 / / Consent Agenda
 / / Regulation Adoption
 / / Approval
 / / Appointments
 / x/ Information
 / / Action

MEETING DATE: April 6, 2015
AGENDA ITEM: 3
NUMBER OF ENCLOSURE(S): 1

PRESENTER(S): Patrick Gavin, Director, SPCSA

FISCAL IMPACT:

BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):

LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 30 mins

SUBMITTED BY: _____